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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF:)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)

TRANSCRIPT OF PROCEEDINGS

May 24, 2000

9:30 A.M.

Visalia City Hall
707 West Acequia Avenue
Visalia, California

REPORTED BY:
Tern L. Emery,
CSR No. 11598
Our File No. 1-62320

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APPEARANCES:

MR. DANIEL EATON, CHAIRMAN
MR. STEVEN R. JONES, BOARD MEMBER
MR. JOSE' MEDINA, BOARD MEMBER V
MS. LINDA MOULTON-PATTERSON, BOARD MEMBER
MR. MICHAEL PAPARIAN, BOARD MEMBER
MR. DAVID A. ROBERTI, BOARD MEMBER

STAFF PRESENT:

MR. RALPH CHANDLER, EXECUTIVE DIRECTOR
MS. KATHRYN TOBIAS, LEGAL COUNSEL
MS. LISA DOMINGUEZ, BOARD SECRETARY

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1 VISALIA, CALIFORNIA, MAY 24, 2000 - 9:35 A.M.

2 * * * * *

3 CHAIRMAN EATON: Good morning, everyone.

4 Welcome to the second day of the California Integrated
5 Waste Management Board's May meeting.

6 Madam Secretary, please call the roll and
7 establish a quorum.

8 BOARD SECRETARY: Board Members Jones.

9 BOARD MEMBER JONES: Here.

10 BOARD SECRETARY: Medina.

11 BOARD MEMBER MEDINA: Here.

12 BOARD SECRETARY: Moulton-Patterson.

13 BOARD MEMBER MOULTON-PATTERSON: Here.

14 BOARD SECRETARY: Paparian.

15 BOARD MEMBER PAPARIAN: Here.

16 BOARD SECRETARY: Roberti.

17 BOARD MEMBER ROBERTI: Here.

18 BOARD SECRETARY: CHAIRMAN Eaton.

19 CHAIRMAN EATON: Here.

20 Quorum has been established.

21 Okay. Members, any ex parte communications to
22 report this morning? I'll start on my left.

23 Mr. Paparian, any after one day?

24 BOARD MEMBER PAPARIAN: No.

25 BOARD MEMBER JONES: Went to the hoe down last

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1 night but nobody talked about any specific solid waste
2 issues. It was awesome.

3 CHAIRMAN EATON: But that bull got a lot of
4 play.

5 (Laughter)

6 BOARD MEMBER JONES: Yes, it did.

7 CHAIRMAN EATON: Ms. Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: I have none.

9 CHAIRMAN EATON: Senator Roberti.

10 BOARD MEMBER ROBERTI: I went to the hoe down
11 and nobody talked about any solid waste issues, except I
12 guess I will ex parte that my former colleague and
13 friend, Mr. Tryce Harvey, who represents some clients.
14 guess that's sort of on the cusps of ex parte, so I will
15 say that I've spoken to Mr. Tryce Harvey.

16 CHAIRMAN EATON: Mr. Medina.

17 BOARD MEMBER MEDINA: Cruz Ramos of the USA
18 Waste of California at the hoe down, meet-and-greet; and
19 Supervisor Bill Sanders, County of Tulare Board of
20 Supervisors.

21 CHAIRMAN EATON: And I just had a quick hello
22 with Mark White on a matter not related to the Board.
23 Those of you who may not have been here
24 yesterday, if you desire to speak on any of the items on
25 our agenda at our May meeting, fill out one of the slips

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1 which are outside and bring it up to the front and we
2 will make sure that you have an opportunity to speak on
3 that item at the appropriate time.
4 In addition, for those of you who may have
5 arrived today and were not present yesterday, we
6 completed up to Item Number 33. So if you're here for
7 any item prior to Number 33, that item has already been
8 taken up and been decided by the Board. In addition,
9 today we'll start in with Item Number 34, but just for
10 purposes of bringing you up to the present, Items 36, 37,
11 38, 39, 43, 44, 45, 47, 48, 49, 50 and 58 were all
12 handled at yesterday's meeting as part of the consent
13 calendar or part of the Board's litigation and will not
14 be up for consideration. If you are here for any of
15 those items, please feel free to go home and a job well
16 done. Okay.

17 With that, Members, anything to report that you
18 would like to report before we get started on our agenda?
19 Hearing none, Mr. Chandler, anything to report?
20 MR. CHANDLER: No, Mr. CHAIRMAN. Fine here. We
21 can start.

22 CHAIRMAN EATON: All right.

23 Item Number 34.

24 MS. MORGAN: Good morning, CHAIRMAN Eaton and
25 Members of the Board. My name is Cara Morgan with the

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1 Office of Local Assistance, and I will be updating you on
2 Item Number 34, which is the current status of
3 jurisdictions on compliance.

4 There are 13 jurisdictions that have submitted
5 quarterly reports which were due since the April board
6 meeting. All of these jurisdictions have submitted their
7 reports on time and are meeting the requirements of their
8 compliance orders.

9 This month the Office of Local Assistance must
10 inform the Board that the cities of Westmorland in
11 Imperial County and Daly City in San Mateo County
12 completed generation studies that did not demonstrate a
13 25 percent diversion rate. Therefore, the cities will
14 meet with staff and perform a needs assessment to locate
15 program gaps and determine the time needed for a future
16 time extension request.

17 An information packet has been provided to you
18 which gives greater detail, including background
19 information and the current status for each just
20 jurisdiction.

21 That concludes my presentation. Are there any
22 questions for staff?

23 CHAIRMAN EATON: Any questions of Ms. Morgan?

24 Thank you.

25 MS. MORGAN: Thank you.

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1 CHAIRMAN EATON: Item Number 35.
2 MR. MORALES: Good morning, Mr. CHAIRMAN. My
3 name is Phil Morales. Item Number 35 is consideration of
4 approval of the procedures for reviewing and approving
5 state agency and state facility Integrated Waste
6 Management Plan.
7 Just a brief history on the item, AB 75 was
8 recently passed in October and signed by the Governor by
9 Author Strom-Martin. The added Sections are 40148-42928
10 to the Public Resources Code. The purpose of AB 75 was
11 to put into compliance state agencies under the same
12 mandates that were dictated under AB 939 for local
13 agencies, local government. It mandates state agencies,
14 large state facilities, community colleges and
15 universities, and state universities to divert 25 percent
16 by the year 2002 and 50 percent by the year 2004.
17 Year 2000 is long gone so -- the requirements
18 under AB 75 include by July 15, each state agency must
19 submit an Integrated Waste Management Plan to the Board
20 for approval. By January 1st, 2001, the Board must
21 review and approve those plans and beginning April 1st,
22 2002, all state agencies, large state facilities, CSUs
23 and college facilities must submit an annual report
24 noting their progress to meeting those goals.
25 The time frame in which we've been mandated to

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1 complete these has been very fast and very quick moving.
2 The Board adopted the plan, a model plan, at the January
3 board meeting in 2000. Staff has conducted six
4 workshops, AB 75 workshops. What was impressive was not
5 only the number of workshops that staff was able to put
6 together but the number of attendees. Originally we
7 expected on the positive side around 200, 250 attendees
8 based on our prior history under the executive order for
9 Project Recycle. We had over 460 attendees and many more
10 who apologized and couldn't make it but were asking for
11 information.
12 As a result of those workshops, staff has
13 continued to provide ongoing assistance to those who
14 attended and were not able to attend and working with
15 them in developing their Integrated Waste Management
16 Plan.
17 So the question becomes what's next. Because of
18 the large number of attendees, we had originally
19 anticipated we would receive somewhere in the
20 neighborhood of close to 300 plans. Our estimate has
21 been updated and that we're now looking close to 600
22 plans. The reason being two-fold -- one, the large
23 response, the positive responses we had at the workshops.
24 We found there were state agencies, for example, county
25 fairs. County fair facilities are actually state
11

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1 facilities, so every county has a county fair and that
2 brought them into compliance under the terms of the
3 mandate of AB 75. So those numbers have increased as
4 well as others -- parks, race tracks, other things --
5 other areas that are state facilities in local government
6 jurisdictions. So our numbers have been moved to about
7 600 now.

8 We have developed and are developing internal
9 review process to try to expedite the process for the
10 Board. We've also developed a database in working with
11 PARIS for local jurisdictions in monitoring their
12 compliance and their program development. We are
13 following the same line. We have set up the model plans
14 in such a way that it's comparing apples and apples
15 rather than apples with oranges, but we're asking not
16 only for data as it relates to diversion, but we're
17 asking for program information as well, program
18 information being the key: We now must plan the process
19 of going through setting up a procedure for approving
20 these plans.

21 What brings us to the Board is under the AB 75,
22 Public Resources Code Section 42920 requires that the
23 Board adopt procedures for the approval of those plans.
24 So the action item before you today is in compliance with
25 that requirement. We have -- we believe that the process

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1 we have provided for you also provides a procedural road
2 map for not only the Board but the jurisdictions and
3 state agencies and hopefully simplifies the process.

4 If you take a look at attachment number 2 on the
5 plan, there's a flowchart that kind of gives you a
6 scenario of how the plans will flow. There are really
7 only two types of plans that we are going to receive to
8 look at.

9 The first is a modified plan. A modified plan
10 is those state agencies that have less than 200 or less
11 employees and generate less than 100 tons annually. They
12 can request a modified plan, and that plan for them would
13 have to fill out the information as to what kind of
14 programs they have in place, what kind of programs
15 they're proposing to put into place to meet the mandates
16 under AB 75.

17 All other agencies must submit a complete plan
18 and that complete plan not only identifies the programs
19 they have in place and proposed programs, but also must
20 identify the level of diversion that they're currently
21 accomplishing and how they're going to reach the 25, 50
22 percent goal. As you might recall, the Board had
23 approved in the past a contract with UCLA to help develop
24 a waste diversion mechanism for the local jurisdictions
25 and the state agencies to use. It's been well-received

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1 and it seems to be helping them in putting those plans
2 together very fast, in a very precise manner.
3 The test will be the annual reports. When we
4 receive the annual reports, then we'll be able to measure
5 from where they are and where they're going.
6 The procedures that we have in place will do two
7 things. One, it will invite a staff review. As the
8 plans are received, we will look at the plans in
9 compliance with the directives that are identified in the
10 model plan from the Board. We will then bring the plans
11 to the Board. Actually, we have two recommendations
12 there listed in the agenda item. One is that we bring
13 all the plans to the Board for the Board review and
14 approval, or that the plans be delegated or whatever
15 portions to be delegated to the Executive Director for
16 approval, and with that bring a report back to the Board,
17 a status of those plans.
18 We would recommend that once the plans are
19 approved we send a memo to the state agency letting them
20 know the plan has been approved and now we're going to
21 begin the monitoring process of what they're doing in
22 implementing programs. We will recommend and provide a
23 status report to the Board and also a progress report on
24 those plans for two reasons. Obviously the Board is
25 interested in terms of the state agency meeting that

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1 under the mandates of AB 75, and there is good reason to
2 believe the legislature would also like to know what's
3 going on in that process. So it behooves us all to have
4 that information available.

5 Now, for those agencies that for whatever reason
6 do not submit the plan by the July 15th deadline and
7 we're not able to review it by the January 1st deadline,
8 we're recommending that the first step of notice be that
9 the Executive Director send a letter to them saying, "By
10 the way, we have not received your plan. Please provide
11 the plan within a certain time frame and staff is
12 available to help you."

13 If they still do not comply with that request,
14 then a second memo would go out from the Chair again to
15 those state agencies reminding them, kind of a second
16 notice, and say again, "Here is the need. You have to
17 have the plan by a certain time." And by the way, as the
18 law provides, if they do not submit a plan it is the
19 Board's authority and responsibility to develop a plan
20 for that agency, and I think we would want to encourage
21 them that perhaps they don't want us to develop a plan
22 for them. It would be in their best interests to develop
23 their own plan. That would be the second and third step
24 in the process.

25 Once the plans are submitted, irrespective of

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1 when we receive them, by the January 1st deadline they
2 will go to staff and follow the same review process and
3 the same approval process to the Board. Again, late
4 submittals would be treated the same as other plans.
5 However, they would be noted they were late and the
6 staff, if they had to prepare a plan for the agency,
7 would do the same process.
8 Now, we recommend that if we reach a position
9 where we must prepare a plan for a state agency, that we
10 not do that until after January 1st, the cutoff date for
11 the Board's approval of those plans submitted by the
12 state agency. The reason being is that it's such a short
13 time frame for us to review and for the Board to approve
14 that anything after January 1st is really late and we
15 should notify as -- we recommend maintaining two lists,
16 those that complied and those that haven't. And those
17 that haven't by January 1st would be listed obviously as
18 non-compliance.
19 The item before you has two -- three
20 recommendations, obviously -- adopt procedures as
21 provided to you in the packet for Board approval to
22 review the plans or adopt procedures and delegate
23 authority to the Executive Director for review and report
24 back to the Board or, of course, the Board always has the
25 option to direct staff to make any combination or changes

1 in that.

2 Staff recommendation would be either options one
3 or two. And again, the process is one set in motion so
4 that we can meet the real tight time frames provided in
5 the law.

6 This concludes staff's presentation. If are
7 there any questions I can answer from the Board.

8 CHAIRMAN EATON: Any questions of Mr. Morales?
9 Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Some of this we'll be
11 talking about separately. Is the Board providing any
12 technical assistance in the development or implementation
13 of these plans for the state agencies?

14 MR. MORALEZ: Yes. We have staff that are
15 broken down by agency type. We have a staff person
16 working directly with Caltrans, one working with
17 Corrections and one with state offices. And we're
18 working with their recycling coordinators and helping
19 them put a plan together providing when they are going to
20 implement their programs.

21 Then the TIA staff, as well as Office of Local
22 Assistance staff, are there to provide assistance to
23 those state jurisdictions and state offices and local
24 jurisdiction areas. And then we also have the model plan
25 that the Board adopted and approved that provides

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1 guidelines for filling out, providing the information
2 witness.

3 BOARD MEMBER PAPARIAN: Are prisons covered?
4 MR. MORALEZ: Yes, they are. They're
5 specifically identified as separate entities. We're
6 working very close with them. Actually, Corrections has
7 a central person in their office that has been
8 responsible for bringing all the plans together and we've
9 been working with them very closely.

10 BOARD MEMBER MOULTON-PATTERSON: Mr. CHAIRMAN.

11 CHAIRMAN EATON: Ms. Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Thank you very
13 much. As I said yesterday, I really enjoyed the workshop
14 that I attended. I thought it was very informative.
15 I know there was some questions from the
16 community colleges and perhaps from the state
17 universities also. Has the information gotten out there
18 that each campus is a standalone?

19 MR. MORALEZ: Yes. That question has come up a
20 couple of times. They wanted to submit it as a college
21 district rather than a college campus. But the law is
22 very specific, that it says college campuses and CSU
23 campuses will submit a plan. We've asked them if, for
24 example, the college district office is located on a
25 campus, they may be able to put it in that one campus as

18

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1 a facility there, but the campus must have its own IWMP.

2 BOARD MEMBER MOULTON-PATTERSON: Great. I just
3 want to make sure that they knew that.

4 MR. MORALEZ: They'd like to combine it, but
5 that's not what the law provides.

6 BOARD MEMBER MOULTON-PATTERSON: Thank you very
7 much.

8 CHAIRMAN EATON: Mr. Jones.

9 BOARD MEMBER JONES: Mr. Morales, the -- the
10 plans that are going to be developed and sent to you, and
11 I'm sure it's going to be similar to the cities, you're
12 going to be working with them to get it into a position
13 that it can come forward; correct?

14 MR. MORALEZ: Correct.

15 BOARD MEMBER JONES: My personal view would be
16 this -- when we went through the planning documents for
17 all of the -- all of the cities and counties, the work
18 was done at the staff level with the cities and then it
19 came forward and, you know, it was -- I'm not -- I think
20 there were a couple that were rejected by the Board, but
21 I think by and large almost all of them went through.
22 It would seem to me that -- I'm thinking out
23 loud -- this should be administerial to the Executive
24 Director unless there is a problem with that jurisdiction
25 rather than bring them forward. Because if we have 50 or

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1 600 of these that come forward, in all likelihood they're
2 going to come forward in blocks that are going to be 50
3 or 60 that we're going to take one vote on. I think that
4 would probably make things move a whole lot easier if
5 those were signed off by the Executive Director and then
6 the ones that were problematic came to the Board. Just a
7 suggestion.

8 CHAIRMAN EATON: I would agree with you,
9 Mr. Jones, but I think with some modification. I would
10 ask that at the beginning of each month a status report
11 be sent to each of the Board Members as to what plans
12 have been submitted because there is some unique
13 expertise on this Board with regard to particular state
14 agencies and how they blend into an overall program.
15 Mr. Paparian mentioned prisons, but there are a
16 number of other state agencies, for whatever reason,
17 become integral parts of the mix as we deal with certain
18 issues that have a tremendous amount of impact for SB
19 1066. The failure, and this is no reflection upon the
20 staff, but any time you deal with an agency or a local
21 government or whatever, sometimes the right hand doesn't
22 know what the left hand is doing and there's always a
23 problem with communication no matter what kind of
24 mechanisms we actually set up.
25 How we actually use cross-media or

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1 cross-integrate this information for all of us sets that
2 pattern. So while it's not a complete overall review,
3 it is one that I think is an option that we need to sort
4 of get in and make some suggestions. Especially if we're
5 going to be going for extensions of time, it's a unique
6 situation for us to be able to say if jurisdiction **11Y"**
7 comes in and they have a particular state facility that's
8 impacting and we haven't seen that plan, I guess we can
9 call up that plan at that time, but it would seem that
10 would be one of the things we would want to have some
11 advance notice on and be prepared for it. It's really
12 more of a coordination.

13 Mr. Paparian, were you going to say something?

14 BOARD MEMBER PAPARIAN: No.

15 MS. TOBIAS: What's the question?

16 CHAIRMAN EATON: There's no question.

17 BOARD MEMBER JONES: Is that it, Phil?

18 MR. MORALEZ: That's it. That's it on my part.

19 BOARD MEMBER MOULTON-PATTERSON: Mr. CHAIRMAN.

20 CHAIRMAN EATON: Ms. Moulton-Patterson.

21 BOARD MEMBER MOULTON-PATTERSON: I would like to
22 move approval of administrative procedures for approval
23 of Integrated Waste Management Plans, Resolution
24 2000-251.

25 BOARD MEMBER PAPARIAN: Second.

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1 CHAIRMAN EATON: Ms. Moulton-Patterson moves and

2 Mr. Paparian seconds we adopt Resolution 2000-251.

3 Madam Secretary, please call the roll.

4 BOARD SECRETARY: Board Members Jones.

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY: Medina.

7 BOARD MEMBER MEDINA: Aye.

8 BOARD SECRETARY: Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Aye.

10 BOARD SECRETARY: Paparian.

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY: Roberti.

13 BOARD MEMBER ROBERTI: Aye.

14 BOARD SECRETARY: CHAIRMAN Eaton.

15 CHAIRMAN EATON: Aye.

16 BOARD MEMBER JONES: Mr. CHAIRMAN, just a

17 question. Do we need to resolve that the -- do we need

18 to resolve that issue about how these things are going to

19 be delivered because the motion says we're going to take

20 two options, the one to direct staff -- I would -- you

21 know, I like this idea about getting a summary report

22 from the Executive Director. If there's problem ones, do

23 it, but I think that the staff is going to do this stuff

24 in such a way that we're going to end up having agenda

25 items that have 500, having an agenda item that has 300

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1 agencies on it. It seems like we ought to rather just
2 save the time and have the Executive Director do it.

3 BOARD MEMBER MOULTON-PATTERSON: So are you
4 speaking to option two, Mr. Jones?

5 BOARD MEMBER JONES: A little twist on two that
6 combines Mr. Eaton's thing, let the Executive Director do
7 it. If there is a problem, bring it to the Board and
8 then monthly or -- I guess monthly would be okay. Give
9 us an update of the ones that are -- have been approved
10 and the ones that are creating a problem, then we can
11 determine -- I think that gets the essence of what
12 Mr. Eaton was saying.

13 CHAIRMAN EATON: I would like to get a report as
14 they come in on the one monthly before they're approved.
15 If they're approved, then the Board has no option under
16 the rules and regulations. What we want to do -- and I
17 agree with you, but a status report would be those that
18 were approved, but an issue is if the Executive Director
19 approves them and let's say, for instance, you have a
20 problem with a particular plan, I don't believe there's
21 any option for the Board to reconsider that. Is that
22 correct?

23 MR. MORALEZ: I'm sorry?

24 CHAIRMAN EATON: If the Executive Director under
25 your scheme approves a plan and subsequently later the

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1 Board comes in and says that there's a problem with that
2 plan in our own mind, what process is there for the Board
3 to reconsider that?

4 MR. MORALEZ: I think we have a process in place
5 for that.

6 CHAIRMAN EATON: All it would be would be those
7 that came in that month. There would be a conditioned
8 precedent before they're approved. At least the Board
9 has to have notice.

10 BOARD MEMBER JONES: Just something sent to our
11 offices. Is that what you mean?

12 CHAIRMAN EATON: I mean I want to see when the
13 plan comes in. I want to see when PIA comes in. I want
14 to see -- but if it's approved by Ralph and there's no
15 process, what happens if there's a problem with the
16 jurisdiction and the jurisdiction can say "you approved
17 that plan." Just some advance notice would be helpful.
18 I think it's pretty clear. Ralph's shaking his head.

19 MS. TOBIAS: We will be adjusting the
20 resolution to reflect the motion as you discussed.

21 CHAIRMAN EATON: Great.

22 Items 36 through 39 were on consent calendar.

23 Item Number 40.

24 MS. MORGAN: Cara Morgan, Office of Local
25 Assistance.

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1 Item Number 40 is consideration of the staff
2 recommendation to correct the base year for the
3 previously approved Source Reduction and Recycling
4 Element and consideration of staff's recommendation on
5 the 1997-1998 biennial review findings for the Source
6 Reduction and Recycling Element and Household Hazardous
7 Waste Element for the City of Hawaiian Gardens in Los
8 Angeles County.

9 The City of Hawaiian Gardens has requested a
10 correction to their 1990 base year disposal amount. The
11 Board approved the use of this method for allocating
12 omitted disposal tonnage to other jurisdictions within
13 L.A. County. The City has used this method to determine
14 the portion of unallocated 1990 disposal that should be
15 allocated to the City. Board staff have determined that
16 the request has been adequately documented.

17 Staff also conducted a biennial review of the
18 City of Hawaiian Gardens SRRE and HHWE in accordance with
19 the process described in the October 1997 Board-approved
20 biennial review process. The City of Hawaiian Gardens
21 has successfully implemented both their SRRE and HHWE
22 programs.

23 Staff are recommending approval of the City's
24 corrected base year and accepting the 1997-1998 biennial
25 review.

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1 That concludes my presentation.

2 CHAIRMAN EATON: Any questions for Ms. Morgan?

3 BOARD MEMBER JONES: Mr. CHAIRMAN.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: I would like to move
6 adoption of Resolution 2000-234 to correct the base year
7 and to approve the biennial review and congratulate
8 Hawaiian Gardens for getting out of compliance and doing
9 a good job.

10 BOARD MEMBER MEDINA: Second.

11 CHAIRMAN EATON: Mr. Jones moves and Mr. Medina
12 seconds that we adopt Resolution 2000-234.
13 Members, what we have done, if you wouldn't
14 mind, without objection we normally in these matters
15 substitute the previous roll call. It saves a little bit
16 of time. We didn't do it yesterday because there was
17 mostly money that was involved and also there should be a
18 record established in terms of the actual vote, but
19 perhaps some of these items without objection we
20 substitute the previous roll call.
21 There will be roll calls here, but for those of
22 you that's always a minority.

23 BOARD MEMBER ROBERTI: I was out of the
24 Assembly by the time they used to do that.

25 CHAIRMAN EATON: You just had the stuff all on

.

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1 consent. There was no disagreement and you're out.

2 Without objection, we'll substitute the previous

3 roll call. Hearing no objection, so shall be ordered.

4 Next item, 41.

5 MR. DICK: Good morning, CHAIRMAN Eaton and

6 Members of the Board. My name is Gregory Dick with the

7 Office of Local Assistance.

8 Item 41 is the consideration of staff

9 recommendation to correct the base year for the

10 previously approved Source Reduction and Recycling

11 Element and consideration of the 1997-1998 biennial

12 review findings for the Source Reduction and Recycling

13 Element and Household Hazardous Waste Element for the

14 City of Mountain View, Santa Clara County.

15 City of Mountain View is requesting a correction

16 to their base year generation to include tonnage derived

17 from grasscycling.

18 Staff believes this request has been adequately

19 documented and recommends the request be approved, as

20 well as the Board accepting the 1997-1998 biennial review

21 findings.

22 BOARD MEMBER JONES: Mr. CHAIRMAN.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: I will move adoption of

25 Resolution 2000-267, base year correction on the biennial

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1 review.

2 BOARD MEMBER MEDINA: Second.

3 CHAIRMAN EATON: Mr. Jones moves and Mr. Medina

4 seconds we adopt Resolution 2000-267.

5 Without objection, we'll substitute the previous

6 roll call. Hearing no objection, so shall be

7 ordered.

8 Next, Item 42.

9 MS. MORGAN: Cara Morgan, Office of Local

10 Assistance.

11 Item Number 42 is consideration of the staff

12 recommendation to correct the base year for the

13 previously approved Source Reduction and Recycling

14 Elements for the Cities of Indio, Moreno Valley, Norco,

15 Palm Springs, Perris and San Jacinto in Riverside County.

16 These cities are requesting a correction to

17 their 1990 base year generation tonnage. In 1994,

18 Riverside County petitioned the Board for approval of

19 restricted materials in the 1990 base year. Board staff

20 agreed to recommend a claim for the diversion of this

21 tonnage, which is inert solids, into the base year. The

22 tonnage was allocated in the same proportions as in the

23 original waste characterization study used by each city

24 in their Source Reduction and Recycling Elements.

25 Staff have determined that the request has been

.

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1 adequately documented and, therefore, are recommending
2 that the request for the base year corrections for these
3 cities be approved.

4 That concludes my presentation.

5 CHAIRMAN EATON: Any questions of Ms. Morgan?

6 BOARD MEMBER JONES: Just one.

7 We're including the inerts. I think that's
8 because they found there was a lot of re-recycling.
9 They're not taking this and filling up a mine and saying
10 it's recycling; are they?

11 MS. MORGAN: I don't believe so. This is
12 actually diversion.

13 CHAIRMAN EATON: Senator Roberti.

14 BOARD MEMBER ROBERTI: I think I probably missed
15 something here. What is the reasoning for the request
16 for the base year alteration?

17 MS. MORGAN: Senator, a large quantity of the
18 inert material was actually diverted in private
19 facilities in the 1990 base year, and this is the tonnage
20 that they're asking to be put back into their base year.

21 BOARD MEMBER ROBERTI: It was diverted in 1990.

22 MS. MORGAN: Urn-hum.

23 BOARD MEMBER ROBERTI: If it was diverted in
24 1990, why is it unfair that it's not included?

25 MS. MORGAN: It was actually omitted in the

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1 original waste characterization study data. So now that
2 they've gone back, reviewed those records, they're asking
3 that it be added back in.

4 BOARD MEMBER ROBERTI: Okay. I think I get it.

5 BOARD MEMBER JONES: Mr. CHAIRMAN.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: I'll move adoption --

8 CHAIRMAN EATON: Before you do that, I just have
9 one slip, City of Moreno Valley. I have no name. If you
10 would come forward and like to speak, if would you
11 announce your name and I'll put it in the form here.

12 MS. ECHIVERIA: Good morning, Mr. CHAIRMAN and
13 Members of the Board. My name Eliza Echiveria and I'm
14 with the City of Moreno Valley, representing them, and I
15 appreciate the opportunity to be here today to let you
16 know that this is a matter of great importance to the
17 City of Moreno Valley.

18 Currently we are at -- in 1998 we have a 36
19 percent diversion rate. With this base year adjustment,
20 we stand to improve that diversion rate to 44 percent,
21 and I'm happy to say that preliminary records on the 1999
22 diversions are pushing us forward, one of the very few
23 cities that is actually showing more diversion.
24 We hope then by the year 2000 that we would be
25 able to make our 50 percent diversion rate and are

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1 enacting more public relations information to our
2 citizens and establishing a green waste barrel program so
3 that we can hopefully attain that.

4 CHAIRMAN EATON: Any questions of Ms. Echiveria?
5 Mr. Jones.

6 BOARD MEMBER JONES: Mr. CHAIRMAN, I'll move
7 adoption of Resolution 2000-239 --

8 BOARD MEMBER ROBERTI: I have another
9 question -- V

10 CHAIRMAN EATON: I'm sorry.

11 BOARD MEMBER ROBERTI: -- of our staff person.
12 If this material was being -- I'm trying to
13 understand it better. If this material was being
14 diverted in the base year, to what was it being diverted
15 or used?

16 MS. MORGAN: Actually, based upon staff's
17 review, it was private construction and demolition
18 recyclers documented the diversion of this tonnage.

19 BOARD MEMBER ROBERTI: What did they do with it?
20 Diversion means -- is pretty broad.

21 MS. MORGAN: Various road projects using the
22 crushed concrete back into road projects, things of that
23 nature.

24 BOARD MEMBER ROBERTI: Was that something that
25 the cities themselves were formulating?

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1 MS. MORGAN: Yes. They participated -- it was
2 found this diversion was occurring due to a local action.

3 BOARD MEMBER ROBERTI: So if we didn't pass
4 this, we would certainly be penalizing this jurisdiction
5 for having been ahead of its time.

6 MS. MORGAN: Yeah, actually.

7 BOARD MEMBER ROBERTI: Okay. I understand now.
8 Very good.

9 CHAIRMAN EATON: All right. Mr. Jones moved.

10 I'll second, Mr. Jones.

11 Mr. Jones moves and Mr. Eaton seconds that we
12 adopt Resolution 2000-239.

13 Without objection, we'll substitute the previous
14 roll call. Hearing no objection, so shall be ordered.
15 Item Number 46.

16 BOARD MEMBER ROBERTI: We're on 46?

17 CHAIRMAN EATON: Yes, because Items Number 43,
18 44 and. 45 were on yesterday's consent calendar.
19 Item Number 46.

20 MR. DICK: I'm Greg Dick with the Office of
21 Local Assistance.

22 Item 46 is consideration of staff recommendation
23 on the petition to reduce the summary plan requirements
24 and consideration of staff recommendation on the adequacy
25 of the Countywide Siting Element and Countywide

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1 Integrated Waste Management Plan for Mono County.

2 First, the County has requested a full exemption

3 from the requirement to submit a summary plan. The

4 County meets the current regulatory requirements to

5 petition for such summary plan reduction and has

6 submitted documentation identifying the location of the

7 required summary plan information in other planning

8 documents.

9 Second is the consideration to approve the

10 County's Countywide Siting Element. The County has met

11 all content requirements for completion and submittal of

12 the final siting element. Third is the consideration to

13 approve the County's Countywide Integrated Waste

14 Management Plan.

15 Staff's recommendation is the approval of the

16 summary plan and the Countywide Siting Element which will

17 complete the County's Integrated Waste Management Plan.

18 This concludes my presentation. Are there any

19 questions for staff?

20 CHAIRMAN EATON: Any questions?

21 BOARD MEMBER MOULTON-PATTERSON: Mr. CHAIRMAN.

22 CHAIRMAN EATON: Ms. Moulton-Patterson, please.

23 BOARD MEMBER MOULTON-PATTERSON: I'd like to

24 move Resolution 2000-215.

25 CHAIRMAN EATON: I'll second that.

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1 Without objection, substitute the previous roll

2 call. Hearing no objection, so shall be ordered.

3 BOARD MEMBER MOULTON-PATTERSON: I'll move

4 Resolution 2000-216.

5 CHAIRMAN EATON: I'll second it.

6 Without objection, I'll substitute the previous

7 roll call. Hearing no objection, so shall be ordered.

8 BOARD MEMBER MOULTON-PATTERSON: I'd also like

9 to move approval of Resolution 2000-217.

10 CHAIRMAN EATON: I'll second that.

11 Without objection, substitute the previous roll

12 call. Hearing no objection, so shall be ordered.

13 Members of the audience, beg your indulgence

14 here for one second. Items number 47, 48, 49, 50 were on

15 yesterday's consent calendar.

16 That will move us to Item Number 51.

17 MR. DICK: Again, Greg Dick for the Office of

18 Local Assistance. Item 51 is a presentation of voluntary

19 assistance plans for the Consolidated Waste Management

20 Authority in the cities of Exeter, Farmersville,

21 Woodlake, and the unincorporated area of Tulare County.

22 In 1998, problems in Tulare County included

23 program implementation issues, diversion measurement

24 problems, and communication problems between the

25 jurisdictions. In late 1998 and early 1999, Tulare

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1 County and city officials asked for help. They met with
2 Board staff, met to discuss the problems and develop a
3 plan of action to improve their waste management
4 programs. This plan includes the formation of the
5 education subcommittee to focus outreach and education
6 efforts on a regional level, includes new generation
7 studies for -- to correct the diversion numbers. Tulare
8 County had the Board approve a 1997 base year and the
9 Cities of Woodlake, as well as the Consolidated Waste
10 Management Authority, are currently working on new waste
11 generation studies.

12 Jurisdictions also asked for help from the
13 Board's Office of Local Assistance's targeted
14 implementation section to help with program development.

15 Jurisdictions in Tulare County voluntarily worked with
16 Board staff to determine program areas that need to be
17 addressed and these areas include developing or expanding
18 procurement policies to include the purchase of recycled
19 content materials, increasing public education efforts in
20 school recycling programs, performing waste assessments
21 for the largest commercial or agricultural generators in
22 implementing diversion programs, expanding the recycling
23 market development zone, and discussing regionalization.

24 The jurisdictions in Tulare County have
25 addressed these plans by adopting or expanding

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1 procurement policies for recycled content material in the
2 Cities of Exeter, Lindsay, Porterville, Dinuba, Visalia
3 and Farmersville. The Cities of Tulare and Woodlake have
4 prepared procurement policies that still need to go
5 before their respective city councils.

6 CHAIRMAN EATON: Slow down for the court
7 reporter so she can get all of this. Thank you.

8 MR. DICK: The education subcommittee of the
9 Solid Waste Technical Advisory Committee has led the way
10 on public education for existing programs. They have
11 contracted with a private firm, Latronico Communications,
12 to create the countywide recycling logo, which you may
13 have seen yesterday at the hoe down all over the place,
14 and they've also produced videos highlighting solid waste
15 issues for air on local television.

16 Community Services and Employment Training,
17 Inc., or CSET, the Tulare County Conservation Corps, has
18 been instrumental in public education programs. CSET has
19 been especially effective in providing outreach and in
20 setting up and coordinating recycling programs at schools
21 throughout the County.

22 Along with staff from the Board, staffs from the
23 jurisdictions, haulers and consultants have conducted
24 waste audits and surveys for new waste generation studies
25 and to educate businesses on waste issues. At the

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1 February 23rd-24th, 2000 board meeting, the Board
2 approved expansion of the Greater South San Joaquin
3 Valley RMDZ to include non-residentially zoned areas for
4 the cities of Exeter, Woodlake, Farmersville and Lindsay,
5 and to increase the existing non-residentially zoned
6 areas for the Cities of Dinuba, Tulare and the County of
7 Tulare.

8 At the December 14th meeting, the Board approved
9 the Regional Agency agreement for the Consolidated Waste
10 Management Authority, which includes the Cities of
11 Dinuba, Lindsay, Porterville, Tulare and Visalia.
12 In closing, I'd like to say it's been a pleasure
13 to work with the staffs from the cities, the counties,
14 the haulers, the consultants and all the other Board
15 staff that have come down here, but I would especially to
16 acknowledge the hard work of Heidi Sanborn and Diane
17 Shimizu, both formerly of the Office of Local Assistance.

-18 This concludes my presentation. Jeff Monaco
19 from the Tulare County Resource Management Agency is here
20 to briefly discuss Tulare County's solid waste and
21 recycling infrastructure and what the future holds for
22 the jurisdiction in the counties.

23 Are there any questions for staff?

24 CHAIRMAN EATON: Questions? Thank you.

25 Mr. Monaco.

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1 MR. MONACO: Good morning, Mr. CHAIRMAN, Members
2 of the Board. Greg has done a very good job outlining
3 the details of these jurisdiction assistance plans.
4 I'd like to just briefly add a little broader
5 perspective to it, and I'll do it by mentioning several
6 months ago, Board Member Steve Jones attended an APWA
7 meeting and he made a very interesting presentation where
8 he talked about the infrastructure that Assembly Bill 939
9 has created throughout the entire state of California.
10 And the infrastructure of recycling programs and solid
11 waste management has been quite impressive in the entire
12 state the last ten years.
13 I mention that because after that particular
14 meeting, I thought about the infrastructure in Tulare
15 County that's been established because of AB 939. We
16 have several permitted composting facilities, several
17 material recovery facilities, we have an innovative
18 collection program, split container program in Visalia
19 and several unincorporated areas throughout Tulare
20 County.
21 I mention these things because when I listened
22 to the details that Greg had indicated in these
23 jurisdiction plans, all of these measures that have been
24 taken by the incorporated cities and unincorporated
25 Tulare County have added significantly to the

1 infrastructure in Tulare County and our ability to comply
2 with AB 939. When you look at things like procurement
3 policies and you look at the education programs and the
4 media campaign, things that may sound simple to those in
5 more urban jurisdictions, but that was quite an effort
6 here locally to get all of us together through the local
7 task force, through our Solid Waste Management Technical
8 Advisory Committee to accomplish these things.

9 So I would like to take the opportunity to thank
10 the Waste Board and thank the staff that has assisted us
11 in these jurisdiction plans and this targeted assistance
12 and thank you for the addition to our local
13 infrastructure that these items have created.

14 CHAIRMAN EATON: Thank you, Mr. Monaco. Any
15 questions? Thank you for your leadership in this county.
16 I know it has many, many concerns and they made the
17 effort to try and attain those.

18 All right. That item was an oral presentation.

19 BOARD MEMBER JONES: Mr. CHAIRMAN.

20 CHAIRMAN EATON: Mr. Jones.

21 BOARD MEMBER JONES: Just one comment, that I
22 know there was some grief in Tulare County. I don't know
23 if it's been resolved yet. When the County started
24 working with the TIA group, they were given a menu of
25 seven or eight things that they could do to accomplish

1 better numbers and better programs. Unfortunately, their
2 choices sometimes were staggered time-wise and they
3 formed a JPA, but if they're going to redo their numbers,
4 do a waste generation study, two of the five cities or
5 six jurisdictions have decided that they need to do waste
6 generation. The others don't, and that's something that
7 I think we're going to have to have a discussion about at
8 some point because we don't want to penalize a region
9 that's formed a JPA to try to get increased efficiencies
10 and increased -- and minimize expenses to do programs and
11 then because of our rules not allow a couple of
12 jurisdictions to be able to give them a more complete
13 picture of their city's wastestream at the expense of the
14 other cities that may have had different consultants or
15 different methods to get accurate numbers. And it really
16 does -- especially in a region like this, I think it
17 really creates an unfair economic burden that we're going
18 to have to at some point try to make sense of this and
19 see what makes sense to keep the playing field level so
20 that we don't do this with erasers and pencils, but also
21 so we're not arbitrary and just make jurisdictions cough
22 up a bunch of money because two or three in the region
23 have to get numbers.
24 So it's going to be a semi-complicated issue
25 that we're going to have to spend some time thinking

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1 about because clearly it's not our -- we don't want the
2 results of our actions to unfairly burden innocent
3 jurisdictions. And so we're going to have to really
4 probably ask staff to come forward with an item that we
5 can really have a discussion about.

6 I think Tulare County and those cities are
7 working through this thing, but it's definitely probably
8 causing a lot of grief. I know it was brought up at the
9 APWA's meeting that I had with you. All right. Thanks.

10 CHAIRMAN EATON: Item Number 52.

11 MS. MORGAN: Cara Morgan, Office of Local
12 Assistance.

13 Agenda Item Number 52 is consideration of the
14 approval of scope of work for the school district
15 diversion project. In 1998, the Board created the
16 targeted assistance program to assist jurisdictions
17 struggling to meet the 50 percent requirement. The
18 targeted assistance program helps identify program gaps
19 and secures tools and training to implement recommended
20 programs.

21 For most targeted and even non-targeted
22 jurisdictions working with school districts, as well as
23 state facilities, still presents a challenge. Also,
24 working with school districts has been a challenge for
25 our staff who are looking to build expertise in

1 networking and assisting school districts with waste
2 prevention, recycling, composting, green building,
3 construction and demolition diversion, and procurement.
4 In 1998, the Board also identified organics as a
5 priority target area. Through the recent Board waste
6 characterization study, organic material still makes up a
7 large percentage of the wastestream. Also, based upon
8 the Board's 1996 school district diversion survey, very
9 few school districts have institutionalized waste
10 management programs and even fewer are diverting yard
11 waste, food waste and other organic materials.
12 In addition to assisting jurisdictions in
13 meeting their diversion requirement, the Board is also
14 responsible for implementing PRC 42620 which requires the
15 Board to assist school districts in implementing
16 integrated waste management programs. The legislation
17 also requires the Board to develop model school district
18 programs.
19 In an effort to provide better targeted
20 assistance to jurisdictions, divert organics from the
21 wastestream and implement PRC 42620, a proposal was
22 launched to tie these priorities together. This proposal
23 is the school district diversion project.
24 This proposal focuses on one institutional
25 segment, school districts. The methodology developed for

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1 school districts will be used as a model for implementing
2 like programs in other institutional settings throughout
3 the state. School districts offer several advantages as
4 a precursor of institutional materials and waste
5 management programs throughout the state.
6 School district waste management programs
7 provide an opportunity to educate students, teachers,
8 staff and the community in the methodology, value and
9 ethic of integrated waste management programs and
10 sustainability. School districts are also distributed
11 throughout the state which presents an opportunity for us
12 to assist many jurisdictions. School districts are an
13 integral part of the communities that they serve.
14 A partnership between the school districts,
15 local governments and the Board have significant benefits
16 for all the partners. A partnership with the Board and
17 local governments provides school districts with the
18 expertise to achieve financial, educational and community
19 benefits. The partnership also provides the Board an
20 opportunity to develop staff expertise and program
21 techniques with which to implement a model program
22 statewide.
23 The project will solicit school districts to
24 participate with the Board as pilot projects to design a
25 model waste management system that evaluates the entire

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1 materials management and waste management practices of
2 the districts. We are planning to develop a menu of
3 model segments which will be developed from which the
4 school districts can select to meet specific or desired
5 objectives. In this way, the model developed can be used
6 in all school districts whether they are large, small,
7 rural or urban, located wherever they are in the state.
8 The evaluation and analysis will focus on
9 discovery of opportunity for waste reduction, reuse,
10 recycling, and improved procurement of materials and
11 waste management services. The evaluation will also
12 identify opportunities for student involvement and
13 teacher training. We will be including teacher training
14 workshops on closing the loop, earth resources and our
15 waste management high school curriculum.
16 Among the elements to be included in the
17 analysis are evaluation of procurement practices and
18 product selection, including green building and recycled
19 content procurement; waste reduction, reuse, recycling,
20 composting, and construction and demolition diversion
21 opportunities. As we know, there's tremendous growth in
22 the state and we're seeing a lot of school districts
23 being built, so we hope to target and get them focused on
24 construction and demolition diversion as well as green
25 building.

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1 We will also be evaluating waste handling
2 processes and we will be reviewing waste hauling,
3 recycling and disposal contracts. We will also be trying
4 to focus on developing more model joint powers of
5 agreements between school districts. We have a
6 particular model down in southern California. It seems
7 to be a very cost-effective approach, so we hope to share
8 this model.

9 The composting component of the project will
10 include an analysis of the organics component of the
11 wastestream in school districts including the cafeteria
12 setting, maintenance operations and even the classrooms.

13 It is proposed that the Board conduct the pilot
14 programs as a working partner with the school districts
15 involved. The project consultant will request
16 solicitation from school districts representing northern,
17 central and southern California to participate with the
18 Board as pilot projects to design a model waste
19 management system. The evaluation and analysis will
20 focus on discovery of opportunities for waste reduction,
21 reuse, recycling, composting and improved procurement
22 practices. The evaluation will also identify
23 opportunities for student involvement and teacher
24 training.

25 The consultant will also provide expertise and

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1 insight into school administration business practices to
2 the Board; also review, analysis, evaluation and if
3 appropriate, development of recommendations for
4 renegotiated contracts, agreements and relationships with
5 procurement vendors and/or service providers;
6 facilitating workshops and other opportunities to enhance
7 collaboration between the Board, local jurisdictions and
8 the school districts; providing access to school
9 officials individually and through statewide associations
10 and other state and national organizations to train
11 school district superintendents, business officials, food
12 service officials on how they can implement comprehensive
13 integrated waste management programs.
14 Government Code Section 19130b requires
15 justification for why the Board is contemplating this
16 contract. We are on a very ambitious time line. Our
17 goal is to implement these school district pilot projects
18 in the coming school year. We hope to have the model
19 developed and begin dissemination of these model tools
20 next spring, spring of 2001. We also need to develop
21 expertise for our staff, so we will focus on training
22 Board staff in the process of assisting school districts
23 with developing integrated waste management programs.
24 We are also looking to the contract because we
25 need expertise and insight into school district

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1 administration, management and business practices,
2 including contracts and purchasing. We are also looking
3 to establish a network with school district decision
4 makers such as superintendents, purchasing directors and
5 food service directors. We will also be developing
6 information technology as it relates to gathering and
7 tracking school district vendor contracts and
8 specifications.

9 The Board is planning on providing more
10 assistance to local jurisdictions in helping them work
11 with their school districts to develop comprehensive
12 waste management programs. The project will develop
13 models, outreach tools and strategies so that our staff
14 will have the tools that they need to assist local
15 jurisdictions and school districts.

16 The total cost for the project is \$380,000. In
17 an earlier item the Board approved redirection of funding
18 to fund this project. Originally the project was
19 approved in Contract Concept Number 62 in the form of a
20 grant program. Based upon an analysis of the need and
21 resources, staff recommends that this contract concept be
22 redesignated as a contract. In order to assist school
23 districts with developing integrated waste management
24 programs, staff and jurisdictions first need model
25 programs and tools that would be developed through this

1 contract. As I mentioned previously, the Board is also
2 responsible under PRC 42620 to develop the model school
3 district diversion program.

4 Staff is recommending the Board approve the
5 scope of work for the school district diversion contract
6 as well as the additional funding that was approved
7 earlier.

8 That concludes my presentation on the school
9 district diversion project.

10 CHAIRMAN EATON: Any questions of Ms. Morgan?
11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: I've actually looked at
13 that statute. It's a bill carried by Rusty Areias in the
14 early '90s. The program seems to be a really good match
15 between what's required under the law and how it's
16 actually being implemented.

17 A couple thoughts for staff. As this program is
18 being developed, if you could try to be sure that you
19 have some good baseline information about what's --
20 what's out there at the schools so that we have some way
21 of measuring the success of this type of program. I
22 think that would be important to get a good look at.
23 And the other thing is I don't know how
24 transferable this type of program might be, but I think
25 it might be interesting to look at the possibilities of

1 transference of this type of program to other types of
2 institutional and other types of business settings.

3 MS. MORGAN: Yes. And Mr. Paparian, for your
4 information, our Office of Local Assistance staff are
5 actually establishing that baseline currently. We sent a
6 survey out to all of the school districts in California
7 to conduct our year 2000 school district survey. So
8 we're hoping to really get a sense of where school
9 districts are and establish that baseline.

10 BOARD MEMBER PAPARIAN: Thanks.

11 CHAIRMAN EATON: Following up on Mr. Paparian's
12 point, how many schools are involved in the pilot
13 project?

14 MS. MORGAN: We haven't decided yet. What we're
15 first going to do is assess the interest. We're going to
16 be contacting school districts throughout the state.
17 We're looking anywhere from a half dozen school
18 districts, depends on the size, the number of programs
19 that they may or may not already have.

20 CHAIRMAN EATON: Half dozen to? You said from a
21 half dozen.

22 MS. MORGAN: To a dozen. Six to 12, three to
23 12.

24 CHAIRMAN EATON: Is there a selection process so
25 that we can get the most from a geographical population?

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1 And I don't know what you would call them, large and
2 small school districts, they have about 15 different ways
3 so we get a good sample. Will that be part of the
4 contract?

5 MS. MORGAN: Yes. That will be part of the
6 selection process.

7 CHAIRMAN EATON: Ms. Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: Thank you,
9 Mr. Eaton. I would just like to enthusiastically speak
10 to the project.
11 As a former school board member, I know that
12 school boards and school administrators aren't as well
13 versed as they often should be in dealing with haulers,
14 and in so many of these different areas there's so much
15 to be learned, and I think that it would be a great pilot
16 program. I think it certainly would be transferable
17 because -- and the schools are just a perfect place to
18 start, I think, because they are distributed throughout,
19 as you said, the state. There's small ones. There's
20 large ones. They have central management. And I think
21 that as Governor Davis's representative, this certainly
22 goes along with the Governor's mandate for schools. And
23 I would just like to speak very enthusiastically for it.
24 And if there aren't any other questions, I'd like to move
25 the item.

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1 CHAIRMAN EATON: Please do.

2 BOARD MEMBER MOULTON-PATTERSON: Thank you.

3 I'd like to move the approval of Resolution
4 2000-2 -- 212 for the scope of work for the school
5 diversion -- school district diversion project fiscal
6 year 99-2000, Contract Concept Number 62.

7 BOARD MEMBER PAPARIAN: Second.

8 CHAIRMAN EATON: All right.

9 Ms. Moulton-Patterson moves and Mr. Paparian

10 seconds that we adopt Resolution 2000-212.

11 Without objection, we'll substitute the previous
12 roll call.

13 Item Number 53, which is the award of the
14 contract. If there aren't any questions -- the only
15 question that I would have, does the math add up since
16 the resolution calls for \$255,000? I think you talked
17 about redirection of funds. I want to make sure that
18 there are sufficient funds there. I think it's more
19 accounting. Yesterday we approved I believe \$175,000.

20 The resolution calls for \$255,000; is that correct, Cara?

21 MS. MORGAN: I'm sorry. For the previous item?

22 Yes.

23 CHAIRMAN EATON: No, I asked --

24 MS. MORGAN: Or for Item 53?

25 CHAIRMAN EATON: Item 53. I thought the

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1 resolution was for --

2 MS. MORGAN: Item 52 does ask for redirection of
3 funds in the amount of \$255,000.

4 CHAIRMAN EATON: So we have to go back. The
5 scope of work is including redirection of funds?

6 MS. MORGAN: Yes. That's correct.

7 CHAIRMAN EATON: Okay. Let me try. We probably
8 should take a roll call. The question that I have is if
9 you have \$255,000 and \$175,000, by my math that comes to
10 \$480,000.

11 MS. MORGAN: Yes. Karen's going to answer the
12 question.

13 CHAIRMAN EATON: I just want to get math right.

14 BOARD MEMBER MOULTON-PATTERSON: I agree with
15 you.

16 MS. FISH: It's --

17 CHAIRMAN EATON: That's the problem about
18 putting the scope of work in with the money and it gets
19 very confusing and that's why you keep it separate.

20 MS. FISH: If you look at the two amounts, it's
21 \$125,000 and \$80,000 which adds to \$205,000, not
22 \$255,000.

23 CHAIRMAN EATON: Was the resolution -- did I
24 read it wrong?

25 MS. FISH: \$125,000 and \$80,000 is \$205,000.

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1 Yesterday \$175,000 was allocated. That equals the
2 \$380,000.

3 BOARD MEMBER MOULTON-PATTERSON: So it is
4 \$380,000.

5 CHAIRMAN EATON: Right. Just want to get the
S accounting.

7 BOARD MEMBER MOULTON-PATTERSON: Thank you,
8 Mr. Eaton.

9 MS. FISH: The resolution should reflect
10 \$125,000 and \$80,000 and the scope of work being
11 \$205,000.

12 CHAIRMAN EATON: So Resolution 212 is incorrect.

13 MS. FISH: Correct.

14 CHAIRMAN EATON: All right. I'll get there.

15 So Members, without objection, if we could
16 strike the previous motion and approval of Resolution
17 2000-212.

18 Without objection, so shall be ordered.

19 Ms. Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Okay. I'd like
21 to move Resolution 2000-212 with the correction on the
22 resolution, fifth paragraph, \$2,005 -- \$205,000 in that
23 last line for redirection of funds in the amount of
24 \$205,000 to Contract Concept Number 62.

25 BOARD MEMBER PAPARIAN: Second.

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1 CHAIRMAN EATON: Ms. Moulton-Patterson moves and
2 Mr. Paparian seconds that we adopt Resolution 2000-212 to
3 be correct to \$205,000.

4 Now Item Number 53. I think.

5 MS. MORGAN: Thank you, CHAIRMAN. Cara Morgan
6 Office of Local Assistance.

7 Agenda Item Number 53 is consideration of
8 approval of award of contract with R&G Associates LLC for
9 the school district diversion project. This agenda item
10 is for the Board to consider the award of a California
11 master agreement contract for the school district
12 diversion project as outlined in the attached scope of
13 work.

14 On October 26-27, 1999, the Board approved
15 Contract Concept Number 62 for \$125,000 and Contract
16 Concept Number 76 for \$80,000. In the previous item on
17 yesterday's Board agenda, additional funding for this
18 project was considered regarding the redirection of funds
19 for this contract.

20 As I mentioned in the previous item, Government
21 Code Section 19130b requires justification for why the
22 work contemplated in these contracts cannot be performed
23 by staff of the Board or another state agency. If it's
24 all right with the Board, I won't repeat that.

25 CHAIRMAN EATON: That would be most helpful.

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1 MS. MORGAN: To repeat it or not?

2 CHAIRMAN EATON: No.

3 MS. MORGAN: Thank you. Staff have explored a
4 variety of mechanisms for encumbering the necessary
5 contract funds including request for proposals,
6 interagency agreements and California master services
7 agreement. After considerable analysis considering the
8 time constraints on the project, which include selecting
9 the school districts early in summer 2000 so the that the
10 projects may begin with the fall 2000 school year, it was
11 concluded that the California master service agreement
12 was the most efficient route for the Board.
13 Private companies by law given the opportunity
14 to sell their product or services to state agencies when
15 these products or services meet the needs of the state,
16 California master service agreements have been
17 competitively assessed and cost compared. California
18 master service agreements have completed this competitive
19 assessment so that each of the individual state agencies
20 do not need to repeat the process time and again.
21 The enabling legislation for the Department of
22 General Services, Government Code 14600, centralized the
23 procurement function allowing the state to leverage its
24 buying power by consolidating the requirements of many
25 agencies. California master service agreements are

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1 statewide agreements that have been competitively bid,
2 the prices analyzed, and do not have dollar limits or
3 limitations to their use except as otherwise noted in the
4 agreement or contract.

5 The agreements have the unique advantage of
6 being specialized to the needs of the state agency while
7 still maintaining the flexibility to change as the needs
8 change. Department of General Services guidelines
9 require only one contractor to be contacted off the list.
10 Contractors are able to offer their services and support
11 for their products that is tailored to the customer's
12 need, in this case the California Integrated Waste
13 Management Board.

14 The scope of work being proposed for the school
15 district diversion project will be performed under a
16 California master agreement. The California master
17 services agreement is proposed with R&G Associates LLC
18 for an amount not to exceed \$380,000. R&G Associates LLC
19 will be utilized under the contract to complete the task
20 outlined in the attached scope of work.

21 In conclusion, staff recommends the Board award
22 the contract with R&G Associates LLC to fulfill the scope
23 of work for the school district diversion project.

24 That concludes my presentation.

25 CHAIRMAN EATON: Ms. Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: Thank you.

2 I'd like to move approval of Resolution

3 2000-250, the award of contract with R&G Associates LLC

4 for the school district diversion project, fiscal year

5 99-200 Contract Concept Number 62.

6 CHAIRMAN EATON: Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Second.

8 CHAIRMAN EATON: All right.

9 Ms. Moulton-Patterson moves and Mr. Paparian

10 seconds we adopt Resolution 2000-250.

11 Madam Secretary, please call the roll.

12 BOARD SECRETARY: Board Members Jones.

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY: Medina.

15 BOARD MEMBER MEDINA: Aye.

16 BOARD SECRETARY: Moulton-Patterson.

17 BOARD MEMBER MOULTON-PATTERSON: Aye.

18 BOARD SECRETARY: Paparian.

19 BOARD MEMBER PAPARIAN: Aye.

20 BOARD SECRETARY: Roberti.

21 BOARD MEMBER ROBERTI: Aye.

22 BOARD SECRETARY: CHAIRMAN Eaton.

23 CHAIRMAN EATON: Aye.

24 It seems appropriate now that we're at this

25 point we'll take our short morning break and come back

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1 and start up with Item 54 and finish with 57. So how
2 about a ten-minute break and that way we can kind of move
3 on.

4 (Brief recess taken)

5 CHAIRMAN EATON: Welcome back, everyone.

6 Any ex partes to report, Mr. Paparian?

7 BOARD MEMBER PAPARIAN: Meet-and-greets with
8 John Hunter and Yvonne Hunter, not related to each other,
9 as far as I know.

10 CHAIRMAN EATON: Mr. Jones.

11 BOARD MEMBER JONES: A discussion with -- I
12 think his name is Jim Johnson, the LEA for Tulare County
13 who was responding to my comment yesterday about helping
14 us with surveying tire piles.

15 CHAIRMAN EATON: Ms. Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: Meet-and-greet
17 with Yvonne Hunter.

18 CHAIRMAN EATON: Senator Roberti.

19 BOARD MEMBER ROBERTI: No.

20 CHAIRMAN EATON: Mr. Medina.

21 BOARD MEMBER MEDINA: Meet-and-greet with Yvonne
22 Hunter.

23 BOARD MEMBER ROBERTI: Well, I said "hello" to
24 Yvonne, yes. I'd better say that or I'll go to jail.

25 (Laughter)

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1 BOARD MEMBER JONES: As did I.

2 BOARD MEMBER ROBERTI: Ex parte to Yvonne
3 Hunter.

4 CHAIRMAN EATON: Let the record reflect that
5 Ms. Hunter is present for purposes of the cities' quorum
6 here.

7 (Laughter)

8 CHAIRMAN EATON: Item Number 54.

9 MR. BLOCK: Yes.

10 CHAIRMAN EATON: Mr. Block.

11 MR. BLOCK: Yes. I'm Elliott Block from the
12 Board's Legal Office, and with me this morning is John
13 Sitts from the Waste Analysis Branch. We're going to do
14 a little bit of a tag team presentation here on Item 54
15 relating to transformation and ash residue in goal
16 measurement. I have been asked to mention that copies of
17 the presentation of the overheads are available outside
18 in the hall on the table that's out there.

19 Before I start on this first slide, which as you
20 can see is fairly dense with information, I wanted to
21 mention that attachment number 1 for this item, which
22 begins on 54-11, contains a more complete series of
23 excerpts from the relevant statutes and regulations
24 should you desire to look at them in more detail. A few
25 of the slides this morning will have some partial

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1 excerpts from those, but we'll try not to spend too much
2 time in going over those too much as this is a more
3 general discussion overview-type of an item this morning.
4 So looking at this first slide, these are some
5 relevant statutes, excerpts from the Public Resources
6 Code relating to solid waste generation. Jurisdictions
7 under AB 939 are responsible for diverting the waste
8 generated within their borders.
9 The first excerpt that you see is a combined
10 excerpt from the two statutes that relate to the solid
11 waste generation studies cities and counties were
12 required to do for their plans, and you'll see that quote
13 talks about solid waste generated within the city or the
14 county must be representative of the solid waste
15 generated within and disposed of by the city. And the
16 second two quotes relate to how measurements are made for
17 looking at 25 and 50 percent diversion.
18 The excerpt up there talks about determining the
19 amount of reduction is from base year amounts and the
20 third quote talks about those base year amounts of solid
21 waste include the solid waste generated within a local
22 agency's jurisdiction.
23 CHAIRMAN EATON: Before your changing, I just --
24 someone put an item on my desk. Members, did you get
25 this as well relating to Stanislaus County?

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1 For purposes of what we have to do, because
2 these have to be ex parte'd before we begin the process
3 here, so I'll do it for all the Board Members. Letter to
4 Lorraine Vankekerix from Jamie Aggers regarding Item
5 Number 54.

6 MR. SITTS: The next slide is a diagramatic
7 representation of what Elliott was just talking about.
8 We've got a city and when we're looking at the city has
9 to divert 50 percent of its waste, we're looking at the
10 50 percent of the waste generated within the borders. So
11 any city is going to be residential generators like
12 apartment buildings and houses, and business generators,
13 industry, commerce, that type of thing. And regardless
14 of where the residents buy their groceries and bring in
15 that material or where the feedstock comes from for the
16 businesses, once the waste is generated within that
17 jurisdiction, the waste is from that jurisdiction and
18 that's also regardless of where they then send it for
19 either disposal or diversion. So that's the universe
20 we're looking for, is the solid waste generated within
21 the borders of that city.

22 MR. BLOCK: Going back to the Public Resources
23 Code excerpts again, I think you can see how we put up
24 this presentation. I get the good fortune of reading
25 excerpts from statutes. Public Resource Code AB 939 sets

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1 forth the statutory scheme that essentially, but not
2 completely, equates transformation with disposal for the
3 purposes of the 25 and 50 percent diversion requirements.
4 And you see up here a couple of quotes from relevant
5 statutes, the definition of disposal in the Public
6 Resources Code, and the part of the excerpt that's
7 missing that actually says for purposes of, it's part 2
8 which is the planning requirements. Disposal --

9 BOARD MEMBER ROBERTI: Elliott, by that you
10 mean -- let's get it clear. The transformation in
11 disposal means that a jurisdiction which sends its trash
12 to a transformation facility is, in effect, sending it
13 for disposal the same as if they were sending it to a
14 landfill.

15 MR. BLOCK: That's correct.

16 BOARD MEMBER ROBERTI: And that's pursuant to
17 which section?

18 MR. BLOCK: It's contained in all of these
19 excerpts that are up here, the primary one being the
20 definition of disposal. And the part of the quote that
21 you don't see, although it is in your materials, is that
22 specifically the definition says for purposes of part two
23 of the act, and part two of the planning requirements
24 disposal means landfill disposal or transformation at a
25 permitted facility.

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1 The answer I should have said is a qualified yes
2 with one notable exception, which we're going to talk
3 about a little bit later in the presentation. There is
4 an exception to this rule, but I don't want to get there
5 just yet.

6 BOARD MEMBER ROBERTI: Okay.

7 MR. BLOCK: Also, we have just again the
8 definition of recycling specifically indicates the
9 transformation is not included within that definition.
10 And then the latter two excerpts again have to do with
11 how the 25 percent requirement is measured, and it
12 specifically talks about diverting 25 percent of solid
13 waste as part of the dot, dot, dot from landfill disposal
14 or transformation and then again in terms of how the base
15 rate is measured, that's talking about diversion from
16 disposal or transformation, exactly the question that you
17 asked.

18 As I mentioned I'm going to talk a little bit
19 about the one exception to this rule, but John has a
20 couple of slides talking about these statutes.

21 MR. SITTS: The first one is diagramatic
22 representation and introduces a little bit of the
23 terminology that we use. You see there City A, which has
24 a transformation facility in it, and the cities in which
25 transformation facilities are located we call host

1 jurisdictions. If we start talking about host
2 jurisdictions, we're talking about in the case of
3 California, Long Beach, Commerce and Stanislaus
4 unincorporated because that's where the three
5 transformation facilities in California are located.
6 The other box represents a deliverer
7 jurisdiction, which are all those jurisdictions that send
8 waste to transformation. In this one you can see that
9 host jurisdiction can send waste to the transformation
10 facility as well.
11 Now, to put this into a bigger context, in
12 1998 -- and that's the information we'll be using here
13 because we have the full set of data for 1998 disposal --
14 about 98 percent of the waste disposed within California
15 was landfilled and the other 2 percent was transformed at
16 the three facilities that I mentioned. Of that 900,000
17 tons or 2 percent of the wastestream, the breakout is
18 about 500,000 tons go to the Long Beach facility SERRF,
19 approximately 100,000 tons go per year to the Commerce
20 facility, and then about 300,000 tons per year go to the
21 Stanislaus County facility which is the Ogdenmark
22 (phonetic) facility, and different jurisdictions use each
23 of those facilities.
24 So in this next slide you can see that this is a
25 picture of northern California. And for northern

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1 California jurisdictions, they only use the Stanislaus
2 facility. We don't have any northern California
3 jurisdictions sending waste south to either of the
4 facilities in Los Angeles County.

5 The next slide shows the situation in southern
6 California, which is a lot more complicated. We've got
7 the two facilities in southern California but
8 jurisdictions in southern California also send their
9 waste to the facility in Stanislaus. So as you can see
10 from the big array of colors, some jurisdictions use one
11 facility, some use two, and some jurisdictions actually
12 use all three of those facilities. Overall in 1998 about
13 122 jurisdictions throughout the state used
14 transformation for disposal, so about a quarter of the
15 jurisdictions statewide.

16 MR. BLOCK: So as I mentioned before, there is
17 one exception to the general rule that transformation
18 equals disposal for the purposes of planning
19 requirements. For the purposes of measuring the 50
20 percent diversion requirement, statute provides that up
21 to 10 percent of the 50 percent diversion requirement can
22 include transformation, then you have two quotes here,
23 one which is specifically relating to -- it's a statute
24 specifically about doing that and the second quote is
25 another one relating to the measurement. One is relating

1 to the plan requirements and one relating to the
2 measurement requirements.
3 I should note, and John has a couple more slides
4 to illustrate this, when we talk about up to 10 percent
5 of the 50 percent requirement being allowed to be
6 transformationed, that means 10 of the 50 points, if you
7 will, rather than 10 of the 50 percent maybe might be
8 interpreted as being only 5 percent, and as well it's
9 important to emphasize that the way the statutory scheme
10 is set out, that means up to 10 percent of the
11 jurisdiction's diversion can be from sending their waste
12 to transformation, not -- it's not a measurement of 10
13 percent of what they sent to the transformation is what
14 they get. We're looking at the end product rather than
15 the beginning.

16 BOARD MEMBER PAPARIAN: Say that again.

17 MR. BLOCK: And that's why I wanted to talk
18 about that. We've always had difficulty trying to write
19 this in our regulations as well.

20 The way the 10 percent is measured -- and John
21 has a slide that he can show on this as well a little bit
22 later -- but it's -- that's why we talk about points
23 rather than percent. 10 of the 50 percentage points can
24 be from transformation.

25 BOARD MEMBER PAPARIAN: I got that part, and

1 then you were talking about how it's applied.

2 MR. BLOCK: What that means, though, is when you
3 look at the jurisdiction at the end of the reporting year
4 and you figure out what they've sent to disposal, what
5 they've diverted and what they've sent to transformation,
6 but when the numbers are added up, up to 10 percent of
7 the diversion number can be from sending the waste to
8 transformation. That may be the entire amount of
9 material that they sent to transformation depending on
10 what their tonnage numbers are. It may be half, it may
11 be less. It's not 10 percent of what they actually send
12 to the site.

13 MR. SITTS: Okay. Now, here are some slides to
14 again put this in perspective. This first one is about
15 the impact of transformation on the ability of
16 jurisdictions to reach 50 percent. This pie just
17 includes those jurisdictions sending waste to
18 transformation, so another 320 jurisdictions are totally
19 unaffected by this because they don't send any waste to
20 transformation. But of those sending waste to
21 transformation, 121 jurisdictions could still transform
22 the same amount of waste and reach the 50 percent mandate
23 because they're not transforming that much.
24 Two cities are transforming more -- a little
25 more than half their wastestream, but they still could

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1 reach the 50 percent diversion mandate but that's because
2 of the 10 percent credit that they could get for the
3 transformation that Elliott was just mentioning. And
4 there's one city that transforms so much waste that they
5 couldn't actually reach the 50 percent diversion rate
6 even with the 10 percent transformation credit.

7 Again --

8 CHAIRMAN EATON: Mr. Jones.

9 BOARD MEMBER JONES: So what you're saying is --
10 if you would put up that other slide. The 121
11 jurisdictions could be as much as a pickup load that went
12 into Stanislaus; right?

13 MR. SITTS: Right. The 121 --

14 BOARD MEMBER JONES: -- through the reporting
15 system that a load originated in some jurisdiction and it
16 was assessed.

17 MR. SITTS: Right. And it's a small enough
18 amount that it doesn't exceed 50 percent of the waste
19 that they generate.

20 BOARD MEMBER JONES: Right. The two cities that
21 are transforming a lot of waste would still meet it
22 because programs that they've instituted have them at
23 some number, 40 percent, 41 percent for the sake of
24 argument. You add 10 percent to that. It puts them over
25 the 50 or gets them to 50.

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1 MR. SITTS: I'm not implying that all these
2 cities will make the 50 percent --

3 BOARD MEMBER JONES: I understand.

4 MR. SITTS: -- but they're not transforming so
5 much that it would preclude them from making it, yes.

6 BOARD MEMBER JONES: What I'm trying to
7 establish is those two cities have programs that divert
8 enough material from the wastestream that that 10 percent
9 added to it puts them over that 50 percent number. So
10 it's the 10 percent diversion credit for transformation
11 plus programs that got them to 50.

12 MR. SITTS: Well, they're not necessarily at 50
13 yet, but they're on their way and could get there because
14 both of them are disposing of about 55 percent of their
15 waste through transformation.

16 BOARD MEMBER JONES: Okay.

17 MR. SITTS: So if they diverted basically
18 everything else they'd be at 45, and yes, with the 10
19 percent they'd be at 55.

20 BOARD MEMBER JONES: And the one city that
21 couldn't transform would be somebody that's transforming
22 such a huge percent of their wastestream that 10 percent
23 has no effect on -- it has an effect but still under the
24 bar.

25 MR. SITTS: In this example, the city transforms

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1 about 75 percent of their wastestream. So even if you
2 diverted everything that wasn't going to transformation,
3 it wouldn't bring you --

4 BOARD MEMBER JONES: They'd beat 25 --

5 MR. SITTS: Right.

6 BOARD MEMBER JONES: -- and 10 would put them at
7 35.

8 MR. SITTS: Right.

9 BOARD MEMBER JONES: Okay.

10 MR. SITTS: Thank you. You said it I think a
11 lot clearer than I did.

12 This next diagram here just again the
13 diagrammatic representation to show that both the host
14 jurisdiction and the deliverer jurisdictions can get the
15 10 percent transformation credit.

16 This picture of northern California shows
17 different colors. The green is jurisdictions that send
18 only a little bit to transformation and they send so
19 little that they wouldn't even get one percentage point
20 diversion credit. The yellow shows jurisdictions that
21 would get between 1 and 9 percent. And then the red
22 shows the jurisdictions which would get the full 10
23 percent transformation credit. So again, we're not
24 looking at a lot of jurisdictions that are going to get a
25 lot of credit. Most jurisdictions that send waste to

1 transformation send small amounts that won't really
2 impact their diversion rates. And there were 11
3 jurisdictions in northern California that would get the
4 full 10 percent.
5 In southern California there's all these
6 jurisdictions. Again, the green is sending small
7 amounts, the yellow is sending enough to get between 1
8 and 9 points of the 50 points, and then the red is seven
9 jurisdictions which would actually get the full 10
10 percent transformation credit.
11 This is just a summary of that, of those prior
12 charts. Again, we've got the big blue there is all the
13 jurisdictions that aren't transforming at all, so they're
14 not impacted at all. The red is the -- about 97
15 jurisdictions that are going to get -- that are
16 transforming but aren't going to get even a full
17 percentage point. There are nine jurisdictions that are
18 going to get between 1 and 9 percent points toward the 50
19 percent and 18 jurisdictions that would get the full 10
20 points. This is all based on 1998 data. I don't have a
21 crystal ball for exactly what's going to happen in 2000.
22 There would be about 18 jurisdictions that would get the
23 full 10 percent.
24 This next graphic is what Elliott was
25 explaining. There are two columns here. The one on the

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1 left would be a jurisdiction that sent exactly 10 percent
2 of their waste to transformation and that's that red box
3 at the bottom. And so because it's 10 percent of their
4 wastestream, all 10 of those tons would count as
5 diversion. So they're right at the credit limit for
6 transformation diversion.

7 In the other column on the right is a
8 jurisdiction that sends 20 tons to transformation or 20
9 percent of their wastestream. In that case the 10
10 percent limit still applies, so 10 tons would count as
11 diversion that was transformed and the other 10 tons
12 would count as disposal. So that's how we keep it from
13 going over the 10 percent diversion credit limit for
14 transformation.

15 MR. BLOCK: These are -- actually, this is just
16 a repeat of the slide we started off with earlier, again
17 showing the waste generation excerpts and talking about
18 waste generated within the jurisdiction, within a county
19 or city. And I just wanted to show these again because
20 they lead into the next slide which then starts to talk
21 about how this material is reported in the reporting
22 year.

23 The excerpts here that talk about -- this is from
24 the statute that specifically talks about how disposal
25 reporting works and the first one talks about disposal or

1 transformation facility operator shall submit disposal
2 tonnage reports by jurisdiction or region of origin which
3 are disposed of or transformed at each facility, and then
4 subsequently through a series of different entities that
5 those reports go through, the County then submits the
6 amounts of solid waste disposed of or transformed by
7 jurisdiction or region of origin to the Board in their
8 disposal reporting reports. I'm having a little bit of
9 trouble reading that. My contacts are getting dry.
10 The reason I'm showing you these quotes is to
11 talk about now exactly why the Board's interpretation,
12 long-standing interpretation, has been that waste that
13 goes to a transformation facility is all attributed to
14 the jurisdiction that delivers it and then the ash that
15 comes out of that facility is attributed to the host
16 jurisdiction of the transformation facility.
17 The combination of the definitions of
18 transformation and disposal which limits the amount that
19 the transformation can count as diversion and then the
20 statutes that talk about how waste is attributed to where
21 it is originated and generation within the jurisdiction
22 and reported from region of origin are the statutes that
23 we have interpreted over the years to say that
24 deliverers, all the waste that's delivered to
25 transformation is attributed to the jurisdiction that

1 sends that material, and then the ash is newly generated
2 at the transformation facility and then is attributed
3 depending on where it goes to the host jurisdiction for
4 the transformation.

5 MR. SITTS: Again, this is just a quick diagram
6 that puts the schematic out. Again we've got the host
7 jurisdiction with the transformation facility in it, ash
8 generated at that facility is the highlighted yellow line
9 going to landfill, and that ash is assigned to the host
10 jurisdiction because that's -- it's generated within the
11 boundaries of the host and it's not assigned to the
12 jurisdictions that delivered the waste, the non-host
13 jurisdictions, because it's not generated within their
14 boundaries.

15 MR. BLOCK: This is just a statute for the
16 purposes of adding a little bit of context and
17 explanation. This is the statute that provides that if
18 that ash is diverted for some use, for recycling use
19 within a landfill, which is what typically it's being
20 diverted to right now for road base at landfills, that
21 it's allowed to be counted as diversion even though it's
22 still going to the landfill.

23 MR. SITTS: This next one is the diagrammatic
24 representation again, and here we've got host
25 jurisdictions that are transforming the waste, that

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1 you're sending the ash to a landfill, but instead of
2 disposing of it, it's being beneficially used. And in
3 this case, the host jurisdiction gets the credit for the
4 ash because again it was generated within its boundaries.
5 This example applies to both Commerce and Long
6 Beach. The ash from those two facilities is mixed with
7 cement and used at the Puente Hills landfill as road fill
8 base or road base.

9 MR. BLOCK: You can skip the next slide. We're
10 not going to use it for this.

11 BOARD MEMBER ROBERTI: I want to interject and
12 I'm not quarreling with the statute because that's not my
13 job to do, but just to throw it out, it does strike me as
14 strange that something maybe that the legislature missed
15 or that we missed in our earlier regulations and that is
16 if a jurisdiction sends ash to a landfill and it's used
17 for road base, they get diversion credit; but if a
18 jurisdiction sends trash, the same molecules, sends trash
19 to an incinerator, a transformation facility, and they
20 generate electricity, they don't get any credit and in
21 effect counts against them.

22 Now, if they send trash to an incinerator --

23 MR. BLOCK: They do get to count the 10 percent.

24 BOARD MEMBER ROBERTI: They get a fraction, but
25 the -- which strikes me, and I know it's not in the

1 statute. You've explained that one to me, Elliott, but I
2 want to throw this out because I don't understand it --
3 which strikes me as terribly odd that the generation of
4 electricity from trash gets lower credit in our
5 hierarchy, the combination of both hierarchy and the
6 rules, than sending the stuff to the landfill, which is
7 what the whole diversion thing is all about, and using it
8 for road base, which is sticking it in the landfill and
9 where you get full credit.
10 So I'm just throwing that out probably for my
11 colleagues' benefits so they can know where my mind is on
12 this. It just strikes me as cockeyed, but I know it's
13 the statute. I know it's the statute, but I would hope
14 at least as far as that that portion of the hierarchy
15 somehow it change because it just makes no sense to me.
16 MR. BLOCK: If I may, what you've raised is a
17 point that's been talked about for many, many years and
18 we're going to get to it in a couple more slides. The
19 legislature at a later point in time recognized -- if you
20 want to use the word anomaly or whatever for that -- and
21 there is one more option in statute that specifically
22 addresses the jurisdiction that might have -- might be
23 most adversely affected by the operation of the law the
24 way it's written.

25 BOARD MEMBER JONES: Mr. CHAIRMAN.

1 CHAIRMAN EATON: Mr. Jones.

2 BOARD MEMBER JONES: I think the Senator -- I
3 don't quarrel with -- with what the Senator says at all,
4 but I remember at the time that this law was being
5 written and I think --

6 BOARD MEMBER ROBERTI: I may have voted for it.
7 (Laughter)

8 BOARD MEMBER JONES: I think you were there.
9 The environmental community was very clear, I think, at
10 the time that they didn't -- because the landscape looked
11 like our landfills were going to be replaced by
12 waste-to-energy facilities, and as Mr. Medina knows, my
13 company was looking at one in the Bay area to take care
14 of San Francisco and that area, that people were afraid
15 that we were going to have these facilities all over the
16 state.

17 When the arguments were made that this should
18 count as recycling, the environmental groups, and I think
19 parts of the industry, worried about that and the
20 legislature in its wisdom chose to say 10 percent. We're
21 not going to let you just burn everything because they
22 didn't feel that that would make sense, plus you're not
23 going to be able to put a waste-to-energy facility
24 everywhere in the state. And I think they tried to make
25 that, but I think that that was the dynamic at the time.

1 BOARD MEMBER ROBERTI: You're absolutely right.
2 I'm not quarreling with that so much, but what's happened
3 over the years is subsequently we in our regulations and
4 the legislature by statute have given credit for things
5 like alternative daily cover or road base. That has
6 slipped by the legislature or maybe slipped by the
7 environmental groups, or maybe they knew it and were
8 opposed and were unsuccessful, and yet waste-to-energy,
9 which I'm not touting, but I think has more benefit than
10 ash as road base at a landfill, is lower in reality on
11 the hierarchy than sending the stuff to the landfill and
12 going through this fiction that is not in the landfill.

13 BOARD MEMBER JONES: The fiction -- I mean
14 I've -- if you've ever had to buy a mountain, a mountain,
15 to scrape dirt off to cover garbage, that's expensive.
16 And I think there's environmental impacts associated with
17 that because when we bought them we had to do EIRs, and
18 to take a material that may not have the same kind of
19 value, I think that when you look at this slide and you
20 say these facilities send it, it's reused by mixing it
21 with concrete, it has a value, you could supplant that by
22 going to a rock quarry and buying an inch and a half
23 minus and do that every time you lift the landfill, every
24 time you do a lift go out and buy another 500 truckloads
25 of that stuff. Or you can use the ash, mix it with

1 concrete, to get the same exact cover. There's value in
2 that because it keeps the rate down to the ratepayer, it
3 keeps your operating expenses down, and then you kind of
4 leave the aggregate for building things like buildings
5 and roadways and stuff like that.

6 But there's a real balance that, you know, needs
7 to be looked at in the full spectrum and I appreciate --
8 I absolutely agree that diverting -- that getting energy
9 from a waste product makes sense to me, just like methane
10 gas generated in a landfill should be top priority for
11 this state, to get it out rather than flare it and put an
12 energy plant in and supply energy. That's just -- to me
13 is a no-brainer. But if that ash that's being diverted
14 was not being diverted and was going into the landfill
15 because they couldn't use it or wouldn't use it or didn't
16 want to use it or decided not to use it, then that ash
17 would count as disposal.

18 BOARD MEMBER ROBERTI: I understand. I have a
19 hunch though -- and what you say is an important
20 argument. We don't want to be leveling all our hills.
21 But I have a hunch that if we have an independent survey,
22 and I hope that staff may do this at some point, of
23 alternative daily cover and the use of ash in road base
24 and things of that nature where the material goes to the
25 landfill, if we have an independent study our staff

1 conducts, I have a hunch that excessive amounts are used
2 only to help the numbers along. Maybe I'm wrong.

3 BOARD MEMBER JONES: I think at some locations
4 you're right. You don't get an argument from me on that.

5 BOARD MEMBER ROBERTI: Maybe I'm wrong.

6 BOARD MEMBER JONES: That's a management issue.

7 BOARD MEMBER ROBERTI: Therefore -- absolutely.
8 I'm not quarreling with your point. It's a good one.
9 I'm not quarreling with the point you come up, which I
10 think is important. It's very important that we get that
11 out and that is the alternative to alternative daily
12 cover as road base is possibly leveling our hills, but I
13 think the management of a lot of landfills have --
14 because numbers are more important than programs
15 sometimes -- and I understand jurisdictions acting that
16 way. It makes no sense, but I understand why they act
17 that way -- they use that as an excuse that we're sending
18 an awful lot to the landfills and giving people credit
19 for numbers and it's authorized by statute whereas
20 conversely waste-to-energy, which I'm not touting -- I
21 wouldn't want a plant next to my house but
22 waste-to-energy, which has some social utility, gets no
23 credit at all, but you know, the road base and the
24 landfill and the -- that's so big that I mean that is
25 an -- that is -- that -- I didn't realize it before I

1 became a Member •of the Board, but that's an important
2 part of every jurisdiction's computation.

3 BOARD MEMBER JONES: Absolutely.

4 BOARD MEMBER ROBERTI: I don't think the public,
5 I don't think the environmental groups understand that,
6 and that is that all this trash that's going to landfills
7 under the guise of alternative daily cover is helping
8 numbers along.

9 I don't want to change that, but I'm saying we
10 come up with cockeyed computations where some remote
11 social utility is punished and this other stuff we allow
12 to go through, and I think you see it in the Long Beach
13 Lakewood situation. And I'm not quarreling with Long
14 Beach. If I were running Long Beach, I would do the same
15 thing, but Long Beach's social utility for all the road
16 base I question and they're getting credit for it,
17 whereas Lakewood is getting the 10 percent for something
18 which appears to be a little bit more beneficial, but
19 whatever.

20 CHAIRMAN EATON: Mr. Block.

21 MR. SITTS: Okay. The next slide here is for
22 the purposes of discussion to see what would be the
23 impact of if ash were attributed or ash diversion credit
24 were attributed out to those jurisdictions that send the
25 waste to the facility as opposed to the host

1 jurisdictions.

2 As you can see, the big blue is jurisdictions
3 that don't transform so, of course, they're not affected.
4 The red would be those jurisdictions that send such small
5 amounts that they wouldn't even get one diversion credit
6 for it.

7 There are about nine jurisdictions that would
8 get less than 3 percent for ash diversion credit, so it's
9 not a magical number for those nine jurisdictions. There
10 are five jurisdictions that would get an increase of more
11 than 3 percent in their -- through ash diversion credit
12 and then, of course, the two hosts already have the ash
13 diversion. So attributing it out to them would do
14 nothing, but attributing the ash to the delivering
15 jurisdictions could do nothing but lower their diversion
16 rates.

17 The next is again discussing these options
18 about -- or these different suggestions about how ash
19 diversion credit could be accomplished, and the way it is
20 now, it's the first row which is it's assigned only to
21 the host. The second row is the ash credit is assigned
22 to the host and the deliverers, and then the third row is
23 that it's assigned to nobody.

24 As you can see for the second and third options,
25 both of those would require statutory change, Board

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1 actions and also Source Reduction and Recycling Element
2 revisions or base year revisions on the part of local
3 governments. In the second column over, or third column,
4 the double counting of the same diversion, that would be
5 an issue if you have a hundred tons of ash created and
6 used as road base and it's assigned to the host and you
7 take that hundred tons and break it out and assign to the
8 delivering jurisdictions as well, you would have a total
9 of 200 tons of ash diversion being used, so that would be
10 double counting.

11 The next column is do any of these alter the 10
12 percent credit limit directly, the transformation credit
13 that we talked about, and the answer on that is no. The
14 last column is but do deliverers get more than 10 percent
15 indirectly by sending waste to transformation. In this
16 case, if you assign it both to the host and the
17 deliverer, the answer is yes. Some jurisdictions would
18 get much more than 10 percent by sending waste to
19 transformation and then it was subsequently diverted into
20 ash.

21 MR. BLOCK: So this last slide, which I promise
22 is the last excerpt from statute that I'm going to show
23 you today, lists excerpts from statutes, lists a couple of
24 options that are provided in statute for dealing with --
25 for jurisdictions that may be negatively impacted because

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1 there are limits on what they can count, how they can
2 count transformation.

3 The first statutory except is from -- is the
4 primary one, the one that I was referring to earlier.
5 It's specifically designed to address this particular
6 situation, Public Resources Code Section 41786, and it's
7 the statute that allows a jurisdiction that sends --
8 there are various requirements that I won't go through
9 now unless you have questions, but which allows a
10 jurisdiction who sends a certain amount of waste to
11 transformation to petition the Board to reduce their
12 diversion requirements based on the amount of waste they
13 send to transformation facilities, if that's somehow
14 adversely affecting their ability to meet 25 and 50
15 percent.

16 The second quotation is actually just from the
17 Board's biennial review statute. The Board theoretically
18 has the ability of doing a biennial review of a
19 jurisdiction that's somehow adversely affected by limits
20 on counting waste that they send to transformation. The
21 Board could, in spite of that, find -- that in spite of
22 the numbers being below 25, 50 percent; otherwise, fine,
23 they've made good faith efforts to meet 25 and 50 percent
24 and you find that they're in compliance.
25 And the last two quotations are for some

1 relatively new statutes that we're going to be talking
2 about a little bit later. They allow for time extensions
3 and alternative diversion requirements, although those
4 are specifically for meeting the year 2000 requirement,
5 the 50 percent requirement and not the 25 percent
6 requirement that jurisdictions can avail themselves
7 of.

8 That actually concludes our presentation for
9 today. I don't know if you have any questions. I am
10 assuming there are some speakers in the audience that
11 want to speak as well.

12 CHAIRMAN EATON: Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Could you put the slide
14 back up, couple slides back entitled ash diversion,
15 deliver, City A, City B. It's on page 11 of my
16 presentation.

17 MR. SITTS: The one showing the ash being used
18 as road base. Yes.

19 BOARD MEMBER PAPARIAN: Bear with me for just a
20 second, but if this was not solid waste but recyclable
21 material, if had you say -- say it was paper coming out
22 of City B to a paper recycling facility, the City B would
23 get credit for that stuff not going to a landfill for
24 being recycled; right?

25 MR. BLOCK: The city that's delivering the

1 paper.

2 BOARD MEMBER PAPARIAN: Okay.

3 MR. BLOCK: They would -- essentially it would
4 count as disposal reduction because they're not sending
5 it to disposal or transformation.

6 BOARD MEMBER PAPARIAN: Right. Then the
7 recycling facility recycles the stuff and has some waste
8 product. That waste product counts against the City A;
9 right?

10 MR. BLOCK: Yes and no. It would have counted
11 against City A. However, the legislature a couple years
12 ago passed a statute to allow that to be adjusted out for
13 purposes of fairness. For regional recycling facilities,
14 diversion facilities, there is a statute that would allow
15 that residual amount to come out. But in the first
16 instance, yes, it would count towards the host
17 jurisdiction, if you will, of the recycling facility.

18 BOARD MEMBER PAPARIAN: More complicated than I
19 thought. I'll talk to you on the side then.

20 BOARD MEMBER JONES: Can I ask a follow-up on
21 that?

22 CHAIRMAN EATON: Mr. Jones and Senator Roberti.

23 BOARD MEMBER JONES: If I send a source
24 separated load to a MRF and the MRF is not in my city, I
25 would get diversion credit basically for that material

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1 because it wouldn't go to disposal.

2 MR. BLOCK: That's correct.

3 BOARD MEMBER JONES: If there was residual, 25
4 percent residual garbage in the load I delivered, they
5 would assign that back to me as residual that they had to
6 take to the dump.

7 MR. BLOCK: That's correct.

8 BOARD MEMBER JONES: I think that's what
9 Mr. Paparian was asking. So I understand what you're
10 talking about is the regional concept, nine facilities
11 come in, 100 tons of a residual waste, you do a
12 mathematical equation by delivery as to who gets that,
13 but it goes back as disposal assigned to that
14 jurisdiction.

15 CHAIRMAN EATON: Senator Roberti.

16 BOARD MEMBER ROBERTI: I want to go to your last
17 statutes.

18 MR. BLOCK: The options? Just the last slide.

19 BOARD MEMBER ROBERTI: The last slide, right.
20 The Board may reduce the diversion requirements to any
21 city which disposed of 75 percent or more of its solid
22 waste by transformation, and then that shall be if it was
23 pursuant to a good faith effort, if we find there was a
24 good faith effort.

25 MR. BLOCK: There are about three or four

1 different requirements. We actually have an overhead for
2 that if you would like.

3 CHAIRMAN EATON: This was the abbreviated
4 version.

5 BOARD MEMBER ROBERTI: I guess no.
6 (Laughter)

7 CHAIRMAN EATON: Unless it helps your case.
8 (Laughter)

9 BOARD MEMBER ROBERTI: Unless it helps my case.
10 Well, pursuant to my conversation with you a couple days
11 ago, Elliott, you told me that that statute,
12 interestingly enough, was carried by Assemblyman
13 Eppel.

14 MR. BLOCK: The last time it was revised, AB
15 260, yes.

16 BOARD MEMBER ROBERTI: And who I believe
17 represented Lakewood.

18 CHAIRMAN EATON: Senator Cecil Green, yes, and I
19 assume he may have been a co-author on that matter.

20 BOARD MEMBER ROBERTI: My point is that's not
21 there for no reason at all. That's there by the great
22 wisdom of the legislature to put in something that meant
23 something, and from what you told me, specifics which
24 would have allowed the city to count the transformation
25 as diversion or eliminate it from the statute.

1 So it appears that the solution that the authors
2 and the legislature dealt upon was to allow the Board to
3 come up with this good faith effort plus kind of solution
4 which would allow a reduction of the diversion
5 requirements.

6 I'm just throwing out as we wind our way this
7 year that that has to mean something and it has to be --
8 and it has to be intended for the legislature for this
9 Board to attempt to implement, and it seems to have been
10 the compromise to work out this Lakewood, Long Beach,
11 Commerce, Stanislaus problem that occurs but especially
12 acute in the first two cities I mentioned. So I think we
13 have a duty to factor that in as we make diversion -- as
14 we make decisions as to whether a city has met its
15 diversion requirements.

16 CHAIRMAN EATON: And I think that's right,
17 Senator. As a matter of fact, as you all know, some of
18 the relationship with Assemblyman Cecil Green, and that
19 was -- that was the trade-off with the city was willing
20 to give up what they're now asking for in exchange for
21 that particular matter. As a matter of fact, I may be
22 mistaken, but City of Lakewood got a reduction when they
23 came in in 1995.

24 BOARD MEMBER ROBERTI: Right.

25 CHAIRMAN EATON: So they're back here today

1 asking for what they originally gave up.

2 BOARD MEMBER JONES: Mr. CHAIRMAN.

3 CHAIRMAN EATON: Yes. Mr. Jones.

4 BOARD MEMBER ROBERTI: Elliott wants to say
5 something.

6 MR. BLOCK: You had asked a question on what
7 they got. They did originally ask -- I forget. I think
8 it was probably '94 or '95 for reductions to both. I
9 apologize. I did these overheads, not the folks that
10 know how to do these a little bit better. If you do the
11 upper lights -- beg your indulgence for the way it looks.
12 They asked for I believe petition for reductions
13 to 20 percent for '95 and 40 percent for 2000. The Board
14 granted them a reduction of 21 percent because at the
15 time their disposal report number showed them at 21
16 percent. Now, we've had testimony on various meetings
17 over the last, gosh, probably stretches back now to six
18 months some of the earlier discussions with Lakewood.
19 Their number may be actually lower than the 21 percent.
20 That's one area we can potentially explore in terms of
21 this petition process.

22 At that time the Board didn't grant the 2000
23 reduction. I'm not remembering -- it does say '95. It
24 was '95. Back prior to '95 and up through '95, the Board
25 was generally not granting the 2000 reductions for any

1 types of petitions, even for rural petitions because they
2 wanted -- it felt like it was too far in advance and they
3 indicated a number of things in their resolution that
4 they wanted to see the city work on, which I certainly
5 can't read from here based on the way this is looking,
6 but there were a number of requirements, one of which had
7 to do with taking a look at the numbers and seeing if
8 anything needed to be revised and that sort of thing.
9 Just what you asked what we had granted them.

10 Currently they have a reduction of 21 percent
11 for '95 and for 2000 they're still at 50 percent.

12 BOARD MEMBER ROBERTI: Well, I'm just throwing
13 this for thinking out loud right now. What is to prevent
14 the Board from granting something similar for the 2000
15 diversion, the 40, diversion requirements, that it did in
16 1995?

17 MR. BLOCK: Well, there's nothing -- that's
18 certainly within the Board's discretion to look at 2000
19 and revisit the '95 number since that's still at issue.
20 Of course, Lakewood is still currently on a compliance
21 order. You probably have some logistic issues to work
22 out in terms of the way the petition works out and what
23 kinds of material you want. I'm assuming this one would
24 probably have most of the documentation already that
25 Lakewood might be providing us.

1 Lorraine, if you could show the other slide, it
2 might show up a little bit better.

3 CHAIRMAN EATON: In fact, Senator, that's one of
4 the benefits and that's why we have been pushing it
5 properly within the confines of 1066 because 1066 offers
6 alternative A, which is your extension, and then option B
7 is which allows for an alternative diversion reduction.
8 So I don't know if that's where you were going to, but --

9 BOARD MEMBER ROBERTI: Well, I'm trying to
10 figure this out in my own mind.

11 CHAIRMAN EATON: That is a potential --

12 BOARD MEMBER ROBERTI: My own sense of equity is
13 that they should get some credit for the trash, more than
14 the 10 percent, but I think the statutes seem to preclude
15 that unless the lawyers for Lakewood have an
16 interpretation that sheds some contrary light on this,
17 but I do tend to think that the -- what you're saying,
18 and that is the diversion reduction or the extension, I
19 guess, or the alternatives that were allowed, and I just
20 would hope that the Board doesn't toss those out of hand
21 because they are in statute and --

22 CHAIRMAN EATON: Actually, I think that's the
23 great thing because it gives us an opportunity -- and
24 I'll let Mr. Jones speak for himself on this -- but one
25 of the issues that have been sort of an ancillary

1 position contention among the Board long before any of us
2 got here, even before Steve got here, has been the idea
3 of programs. That whole process allows a whole review
4 and evaluation from a qualitative standpoint and what
5 you have that allows us to do exactly what the statute, I
6 believe, anticipated. And I don't believe that 1066 had
7 that statute in mind, but it does provide that.

8 BOARD MEMBER JONES: Mr. CHAIRMAN, I think one
9 thing, too, that we've got to put into the historical
10 record. I think there has been -- and Yvonne's out there
11 and the folks from Lakewood could answer. I think
12 there's been two legislative attempts in the last ten
13 years to get diversion credit for the existing
14 facilities.

15 MS. HUNTER: Raise the 10 percent, at least two.

16 BOARD MEMBER JONES: At least two. There may
17 have been three.

18 BOARD MEMBER JONES: As an operator and an
19 investor, I opposed the last one vehemently because they
20 wanted to get diversion credit -- I think it was a
21 hundred percent. I forget what the number was but it was
22 like whatever got burned was counted as diversion -- and
23 we opposed it because we were afraid that the one
24 facility would use it as a marketing plan to go into
25 jurisdictions that were close enough to have them abandon

1 existing investment in programs, and low and behold those
2 attempts failed.

3 And then at some point I ended up on this Board
4 and I ended up sitting in a meeting where some folks came
5 to me and said how important it was to get the recycling
6 credit because then people wouldn't have to take material
7 to MRFs or do any of these other programs. And I looked
8 at them and said, "You have a very short memory because
9 you don't recognize me as one of the people that opposed
10 your bill for exactly this reason." They came in -- or
11 didn't come in.

12 They could have gone in and said to City A who
13 has a curbside program, who has a materials recovery
14 facility, who has a green waste collection program and a
15 composting program, and say why do it? Take it to my
16 facility. I'm going to burn it for \$28 a ton and you get
17 a hundred percent diversion credit.

18 I don't think that goes to the heart of what
19 this law is about. And I've told people before I'm not
20 here for my brains, I'm here for my instincts. I knew
21 that was going to happen, and when they gave me the pitch
22 I said I knew it. I knew it. That has always bothered
23 me because I have no problem with diversion reductions,
24 but the other part of that is the good faith effort, and
25 good faith effort in my mind is real programs.

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1 CHAIRMAN EATON: Any other questions before we

2 get to our public commentary portion? Okay.

3 Mr. Stover.

4 MR. STOVER: Thank you, Mr. CHAIRMAN and

5 Members.

6 CHAIRMAN EATON: You come to one of our outlying

7 areas in San Luis Obispo, here in Visalia, so it's closer

8 for you.

9 MR. STOVER: We appreciate your invitation,

10 Mr. CHAIRMAN and Members of the Board, for having us here

11 today.

12 We recognize the lunch hour is near. I would

13 like an opportunity to expand my remarks apart from what

14 I say today by submitting a letter to the Board

15 subsequent to this meeting that would kind of cut down on

16 my presentation, if that's acceptable to you.

17 Let me thank the staff and thank the Board for

18 the interest in trying to work this through. This is an

19 issue that has a lot of complexity. For the benefit of

20 the new Board Members because the old Board Members have

21 heard this before and might wonder why I'm saying this.

22 For the benefit of the two new Board Members, let me

23 outline a couple of facts and bring up a few issues and

24 then some follow-up. I think I can do it in five

25 minutes, so I'll talk fast.

1 CHAIRMAN EATON: Not too fast. I saw the court
2 reporter's eyes bug out.

3 MR. STOVER: For the past 12 years, the City of
4 Lakewood has sent 80 percent and more of its refuse to
5 the SERRF facility in Long Beach in Los Angeles County.
6 Apart from the host jurisdictions in the state, no city
7 sends as much solid waste that is recycled from
8 landfilling as the City of Lakewood. We are the one that
9 sticks out from the chart.

10 We are strong believers in the utility of the
11 SERRF facility. It's been implemented in an
12 environmentally sound basis, and it results in a
13 transformation residue that avoid landfilling.

14 Consequently, none or virtually none of our SERRF input
15 ends up as fill in a landfill. State law did recognize
16 us in AB 260 by Assemblyman Eppel, and at that time it
17 was seen as a method to try to resolve our uniqueness.

18 And we had discussions with the Waste Board
19 staff and we had discussions with Senator Sher's staff to
20 craft a bill that would allow us to come in on a
21 goal-reduction basis because at the time it was felt
22 maybe ash recycling was going to be too complex to do,
23 and it was reflected -- legislative history reflected the
24 fact that we went into a 20-year contract prior to AB 939
25 at the request of the state, at the request of the County

1 Sanitation Districts that run the landfill system that we
2 use, at the request of the host jurisdiction.

3 BOARD MEMBER ROBERTI: Mr. Stover, how was it at
4 the request of the state?

5 MR. STOVER: As a matter of general policy and
6 correspondence that waste-to-energy was encouraged and
7 that jurisdictions were asked to submit letters of
8 interest and commitment. Same thing, State Energy
9 Commission, County Sanitation District, City of Long
10 Beach needed our trash to complete a third boiler on the
11 system. City of Long Beach manages that facility
12 extremely well.

13 We have worked with Board Members and Board
14 staff since 1992 in trying to thread the needle, to
15 recognize good faith, and to be in the policy direction
16 that the Board and state law wanted.

17 On April 3 of this year we implemented a pilot
18 program in sending a major portion of our refuse stream
19 to a MRF facility and we're getting good results from
20 that facility. Ironically where none of our refuse was
21 reaching the landfill before, now 65 percent of our -- of
22 our throughput to the MRF, a very good MRF, will reach
23 the landfill. Our programs can be characterized now as
24 source, SERRF, turf and MRF.

25 Now, we appreciate that no action is proposed

1 for today's agenda item but really to educate us and to
2 educate you and educate staff and the audience. There
3 are some issues we want to have explored.
4 One is we believe that transformation ash is not
5 newly generated waste since it's simply the byproduct of
6 the transformation process. That was recognized by you
7 in your Stanislaus special circumstances. It is
8 described in the Board report as a special case host
9 jurisdiction.
10 Two, we believe the transformation ash belongs
11 to the deliverer jurisdiction because it's not new waste.
12 We believe as a matter of law that solid waste that
13 produced the ash becomes subject to regulation when the
14 deliverer jurisdiction collects it for delivery to a host
15 jurisdiction. Lawyers will disagree, we believe, on
16 that.
17 Three, we believe that the math in calculating
18 transformation ash diversion credit is flawed. We think
19 there's a need for a common-sense approach in the
20 calculation of transformation ash diversion and this is
21 in the current bill, AB 2004, that's pending in the
22 Assembly Appropriations Committee, but if you take 100
23 units of municipal solid waste delivered to a
24 transformation facility and 70 units of solid waste is
25 transformed into energy via incineration, and if 30 units

1 of transformation ash is beneficially reused, that the
2 math should be 30 percent diversion. That is not the way
3 it is currently.

4 Four, we submit that past Board action and ash
5 diversion credit is not as linear or as long-standing in
6 precedent as was reported today. We take a different
7 view of the history of events, but we also believe the
8 staff had good intentions in its presentation. We just
9 have a different view on the historical circumstances.
10 For example, the Stanislaus transformation facility
11 decision cited in the staff report should not be given a
12 de facto force of regulation as precedent setting. We
13 believe Stanislaus stands for -- is an amendment to a
14 base year in a single SRRE.

15 Five, we believe that the Board should recognize
16 there may be a special case transformation deliverer,
17 special case transformation deliverer jurisdiction,
18 similar to what the Board has recognized as a special
19 case host jurisdiction in the case of Stanislaus. We
20 believe that we continue to meet the requirements to be
21 eligible for AB 260 as set forth in the Public Resources
22 Code.

23 Lastly, one minute wrap-up. One minute. We
24 submit there are three questions to be further explored
25 based upon today's discussion in the staff briefing.

1 One, can the diversion verification process for
2 deliverer jurisdictions seeking recycling credit be
3 simplified to remove the obstacles outlined in the staff
4 report that prevent the Board consideration alternative
5 to, and that is a sharing with a deliverer jurisdiction.
6 We believe the answer is yes.

7 Two, is there a special case or special cases
8 deliverer jurisdictions that should receive ash diversion
9 credit either conditionally -- or either unconditionally
10 or conditionally. We are implementing additional
11 programs now. To the dozen existing programs we have
12 added a MRF program. We can see that might very well be
13 a permanent feature of our landscape, but to meet 50
14 percent might require us to completely redirect a hundred
15 percent of our waste, our municipal solid waste, from the
16 SERRF facility now to a MRF facility. So we would end up
17 with not SERRF and MRF, we would end up with MRF and dirt
18 instead, and we don't think that is in the strongest
19 interests of integrated waste public policy.

20 We are interested in working with the Board and
21 with the Board staff. We have engaged that process.
22 We're working sincerely with your staff now. We think
23 the extension period you granted to us yesterday will
24 give us time to work that through. We are hearing what
25 the Board is saying about programs. We are listening to

1 alternatives that are being presented, but we think this
2 issue has a lot of complexity. And we hope today is --
3 particularly for the new Members may be mind boggling on
4 this issue. To the old Members, when are we ever going
5 to get through it. I think we're close for this special
6 case deliverer jurisdiction.

7 Thank you very much for your attention.

8 BOARD MEMBER ROBERTI: Mr. CHAIRMAN.

9 CHAIRMAN EATON: Senator Roberti.

10 BOARD MEMBER ROBERTI: Along the lines of what
11 Mr. Stover was saying, one of the arguments that has
12 always been raised is that the host jurisdiction will be
13 stuck with counting the ash that is disposed in the
14 landfill if they can't -- if they can't divert it or use
15 it for road base or whatever. However, Mr. Stover has
16 now informed me of something that I did not know, and
17 that is that the Board, before I think most of us were on
18 the Board, made an exception for Stanislaus County in
19 effect saying that if they can't divert the ash, it's not
20 going to be counted against them.

21 MR. STOVER: It doesn't exist.

22 BOARD MEMBER ROBERTI: It doesn't exist. Now,
23 that doesn't strike me as terribly fair. And I agree
24 with Mr. Stover for the delivering jurisdiction because
25 if the Board is -- there's only -- we're only talking

1 about three host jurisdictions. If one of the host
2 jurisdictions gets in trouble with their incinerator and
3 they don't know what to do with the ash, we're going to
4 pass an exception for them. So the argument they would
5 be stuck with it counting against them doesn't seem to
6 apply. I hope in our deliberations as the year proceeds
7 we take that into consideration. I didn't know this
8 until Mr. Stover's testimony.

9 BOARD MEMBER JONES: Mr. CHAIRMAN.

10 CHAIRMAN EATON: Mr. Jones.

11 BOARD MEMBER JONES: I don't know the
12 particulars of the Stanislaus facility other than it goes
13 to a Class 11 site. Their site is Class 11 because the
14 constituents in that ash may be designated. If they have
15 high metals, they cannot be -- they don't count anyway.
16 It would be like any type of waste that has been given an
17 exception.

18 So I think we're mixing -- I don't know if
19 you're right or wrong. I do know that had high levels
20 and couldn't be dealt with.

21 BOARD MEMBER ROBERTI: The reason that my staff
22 has told me was because of the toxics, it would be out of
23 our - -

24 BOARD MEMBER JONES: It would be out of our
25 jurisdiction. Exactly.

1 BOARD MEMBER ROBERTI: It would be high toxics.
2 Evidently the way you compute toxics is another difficult
3 computation that I don't want to be here until midnight.

4 BOARD MEMBER JONES: -- designated waste which
5 doesn't get counted in AB 939.

6 BOARD MEMBER ROBERTI: Somehow we had to pass a
7 special -- we had -- we felt compelled, and this is all I
8 know right now, to pass a special regulation so it
9 wouldn't be counted. It wasn't automatically. It
10 doesn't appear it was automatically counted. I don't
11 know. That's the first I've heard.

12 BOARD MEMBER JONES: Just like what we're
13 dealing with on the designated waste that some people
14 call Class 11 waste, even though there is no definition,
15 if that material goes to a Class III site that is
16 designated, then under AB 939 originally written it would
17 not count. That's where the administrative issues are
18 where somebody says you have to take this to forward. It
19 doesn't count as generation or as diversion, but I want
20 to go back to Mr. Stover's comment about -- two comments.
21 In Stanislaus if you don't want to double count
22 it and you want to make it a moot issue, basically,
23 because the waste has already been counted once, it would
24 seem to me you can't have it both ways. It's either got
25 to be it doesn't exist, which means all these people

1 don't get diversion credit for it, or it does exist. You
2 can't say it's moot. You can't just say the ash -- the
3 ash should count in these cases and not count in these.
4 MR. STOVER: What has been presented to us was
5 if the host jurisdiction does not recycle the ash, it
6 isn't counted. And to us that seems to be the Board in
7 its wisdom seeing there are special cases that need to be
8 addressed. We don't want to be the skunk in the party
9 for every other jurisdiction using a transformation
10 facility, but we don't want to just abandon the SERRF
11 facility to place two-thirds of our refuse in the dirt
12 where it could be beneficially reused now.
13 So I don't want to rain on anyone else. I raise
14 issues in the general context of today's discussion, in
15 the context of working through the Lakewood issue. We're
16 more laser-focused and we have looked at, as CHAIRMAN
17 Eaton pointed out, a number of approaches over time
18 because we revised that do it this way, don't do it this
19 way.
20 We would rather meet 50 percent diversion as a
21 goal than have our diversion goal reduced. We would
22 somehow think that seems like we didn't do enough, but if
23 a solution is apparent in which we are -- we add some
24 programs permanently and have our goal reduced and that
25 is consistent with this Board's policy and my city

1 council's interests, then we won't have a problem there.
2 So I'm not trying to create a civil war on this
3 or trying to take over the proper function of this Board
4 or your staff in trying to look through the other hundred
5 jurisdictions. I'm saying that there are issues that add
6 to the complexity of this.

7 CHAIRMAN EATON: Ms. Rapp.

8 MS. RAPP: I don't have anything to add beyond
9 what Mr. Stover said.

10 CHAIRMAN EATON: Mr. Young.

11 MR. YOUNG: I incorporate Ms. Rapp's comments.

12 CHAIRMAN EATON: Mr. Emerson.

13 MR. EMERSON: Actually, I would like to withdraw
14 my comments.

15 CHAIRMAN EATON: I think Mr. Tripp said only if
16 there's questions. Okay. That's all we have. Thank you
17 for a very vibrant discussion.

18 Mr. Block, any final comments?

19 MR. BLOCK: No final comments.

20 CHAIRMAN EATON: I remind everyone that we only
21 have 20 minutes worth of tape left, so if we're going to
22 have a discussion, we're going to take a break.

23 Mr. Mohajer, do you want to speak now before

24 Mr. Block?

25 MR. MOHAJER: Mr. Chair and Members of the

1 Board, my name is Mike Mohajer. On this item I'm not
2 representing the County of Los Angeles nor the L.A.
3 County Department of Public Works. I'm speaking on
4 behalf of the Los Angeles County Integrated Waste
5 Management Task Force.
6 For the benefit of the new Members, the task
7 force that I'm speaking of was formed under the
8 requirement of AR 939, and one of the functions of the
9 task force is to review and comment on the jurisdictions'
10 Source Reduction and Recycling Elements and also
11 addressing the resolution of conflict between the
12 jurisdictions' SRREs. In this case it would be the City
13 of Long Beach and the City of Lakewood.
14 The task force has previously submitted comments
15 to the Waste Board and their comments of the letter that
16 was submitted on February 22nd, the year 2000 stands as
17 of speaking today. A few other items that I would like
18 to mention, we are not in support of the transformation
19 or against the transformation.
20 As the existing law reads right now under the
21 Section 41783, and the staff report also refers to that,
22 the materials that go to the transformation facility, the
23 recyclable materials are supposed to be removed up front,
24 and also we look at the transformation facility as an
25 alternative or to replace or to reduce dependence on

1 landfill disposal and not as an enemy to a MRF or
2 recycling or composting. And that is very important
3 issue, especially when you're talking about a big
4 metropolitan area as Los Angeles County. And needless to
5 say, as Mr. Jones said, some operators do oppose that
6 because that becomes business decisions.

7 Looking at some of the staff report that was
8 mentioned, basically a few questions that were raised, at
9 least I have on behalf of the task force. On page 54-3,
10 the staff report indicated that waste generated means
11 waste created, and I would like to know the specific
12 section of the PRC that gives that definitions. On --

13 BOARD MEMBER JONES: Do you have an alternative
14 definition?

15 MR. MOHAJER: Do I have an alternative?

16 BOARD MEMBER JONES: Definition of what
17 generation is.

18 MR. MOHAJER: No.

19 BOARD MEMBER JONES: Okay.

20 MR. MOHAJER: But created the way it had been
21 used it means something different. In case of the
22 Stanislaus and the fact that the ash generated will not
23 be counted as disposal, it was a methodology that the
24 Waste Board has created in double counting the waste that
25 was being generated. And very specifically because the

1 regulation had required that they made a decision, they
2 adopted a policy that says the ash for the purpose of
3 Stanislaus does not count as disposal. So that's where
4 the whole issue came as to whether or not there was a
5 policy in reference to giving a diversion credit to the
6 host community. And as the letter of February 22nd says,
7 it appears to be a rulemaking decision without a
8 rulemaking process.

9 One important issue, another issue that I would
10 like to mention that was brought up earlier this morning
11 in reference to the materials that goes to a materials
12 recovery facility and a composting. And looking at the
13 analysis that the staff has on page 54-8 and 54-9, it's a
14 great concern from the standpoint that now maybe the
15 similar issue is going to be raised as we move forward in
16 reference to residuals that remain from materials that
17 get separated at the material recovery facility and also
18 who is going to be getting the diversion credit.

19 Also, the other problem is if a solid waste
20 disposal facility is located in Jurisdiction A and that
21 Jurisdiction A very specifically requires that as a part
22 of the facility operator, as a part of also the land use
23 permit, that the operator has to do certain diversion
24 activities, does that mean that that Jurisdiction A would
25 be getting all the diversion credit or would similarly

1 what we talked about the ash diversion or is it something
2 that is going to be divied up between all jurisdictions?
3 That becomes pretty important because at least
4 in the case of Los Angeles County, most of the landfills
5 are located in the unincorporated area of the county. We
6 very specifically require that all landfill operators do
7 certain diversion activities from the materials that come
8 to the facility and so the issue comes up right now. It
9 is in our mind are we going to be handling that the same
10 way as the issue of ash that we're discussing.
11 And the last issue that is very important in
12 reference to getting the 10 percent diversion credit, the
13 staff report on page 54-3 lists the number of
14 requirements that have to be met before the jurisdiction
15 can receive the 10 percent diversion credit, and those
16 are very, very important.
17 However, one important item is missing. That
18 becomes in reference to item -- if you would look at your
19 staff report, page 54-5 in item four, it says as a part
20 of giving diversion credit the Board finds the
21 jurisdiction is effectively implementing all feasible
22 SRREs, measures and (inaudible) goes up.
23 One important aspect of the requirement of 41783
24 that is not mentioned in this staff report is that very
25 specifically as a part of that requirement that the

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1 statute requires the Board holds a public hearing. This
2 is the part that is missing. The Board holds a public
3 hearing in the city, county or regional agency
4 jurisdiction within which the transformation project is
5 proposed, and after the public hearing the Board finds
6 both of the following, which was the item one -- Item A
7 and B listed.

8 So in essence what it means is you're going to
9 be granting the 10 percent diversion credit to
10 jurisdictions for the year 2000. According to this, you
11 should conduct a public hearing in every jurisdiction,
12 and that is pretty important. It needs to be addressed,
13 and if the council feels otherwise, they will discuss it
14 at a later date.

15 Thank you very much.

16 CHAIRMAN EATON: Thank you. Any questions for
17 Mr. Mohajer?

18 Mr. Jones.

19 BOARD MEMBER JONES: Just a couple. The idea
20 that this was an illegal rulemaking really sticks in my
21 craw and has since I read it. But I think that, as I
22 told you before, and when you -- if you talk to Steve
23 McGuinn, who I'm not sure what agency you want to assign
24 him to because like now you're not representing the
25 County, you're not representing somebody else, but you're

1 representing a task force, although the county is staffed
2 to the task force; right?

3 MR. MOHAJER: That is correct.

4 BOARD MEMBER JONES: Mr. McGuinn obviously is
5 with the Sanitation District, but he sat on a committee
6 that talked about how people are going to deal with ash.
7 He told me that. I don't know what the committee was,
8 but it was -- it was asked to be put together by this
9 Board back then. Stakeholders had input in it. This was
10 an open process that tried to deal with a whole lot of
11 different factions and the results are what is happening
12 here.

13 So to say that this was an illegal rulemaking
14 from such an articulate person -- me, I can make a
15 mistake like that because I don't have the vocabulary
16 that you guys do, but I understand what that means. And
17 number one, I think it is completely inaccurate, and
18 number two, it is -- it casts a shadow over this Board
19 that doesn't -- that it doesn't deserve until you can
20 show me where this illegal rulemaking took place and I --
21 I'm telling you. We're trying to work through this thing
22 and that ain't a way to work through it, to continually
23 insist that decisions that aren't embraced are somehow
24 not fairly deliberated with public comment. I think all
25 you have to do is go down the street and talk to

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1 Mr. McGuinn and he can refresh somebody's memory.
2 MR. MOHAJER: Mr. Jones, to answer your
3 questions, as far as the representing Los Angeles County,
4 I work with the Los Angeles County and he alternate
5 decision comes from the Board of Supervisors, and the
6 Board of Supervisors has not made any decision on this
7 issue. But the County Board of Supervisors also directed
8 the Public Works to be staffed to the task force that was
9 formed under AB 1939. And fortunately or unfortunately,
10 I have to also represent as the staff of that body going
11 around and getting the issue responded to.
12 Number three, Mr. Steve McGuinn, he works for
13 the County Sanitation District of Los Angeles County,
14 which is a special district made up several districts, no
15 relation to the county government that I represent, even
16 though the name says County Sanitation District of Los
17 Angeles County. So that is very important issues.
18 Number four, I did not say that this Board made
19 illegal decisions. What the task force has mentioned is
20 that this Board made the decision policy-wise, they
21 adopted a policy in the case of Stanislaus, very
22 specifically they said the ash that is not diverted in
23 that case will not count as disposal.
24 The task force that I represent today also
25 requested that they are looking to see this body to make

1 the same policy decision in the case of diversion.

2 That's all I'm saying and that's all the task force has
3 said. So it is not an illegal decision at all. I take
4 exception to that.

5 BOARD MEMBER JONES: The waste that we're
6 talking about from Stanislaus has been characterized to
7 be designated. Designated waste does not count in AB 939
8 diversion or generation. It is a simple case of mixing
9 apples with oranges. If the waste from the three -- two
10 facilities in southern California do not raise to the
11 level of designated waste, then they are municipal solid
12 waste. There is a difference.

13 We've talked about it today and we've talked
14 about it before, but that has a bearing on the previous
15 Board's treatment of that generated wastestream.

16 MR. MOHAJER: But still that is not the issue
17 that the task force has raised, that this Board made a
18 policy decision in reference to the Stanislaus, no policy
19 decision in the reference of diversion. That's all the
20 task force has mentioned. And again, I'm representing
21 the decision of that body, not the Board of Supervisors.

22 CHAIRMAN EATON: Thank you. Mr. Block, wrap it
23 up because we've got about four or five minutes of tape
24 left.

25 MR. BLOCK: I was going to try to do this in 30

1 seconds. I want to clarify just really briefly on the
2 Stanislaus item. I think, and I don't have it in front
3 of me, I think it was in the March item that we did. The
4 decision there was based, I think, as much on the fact
5 that that waste was -- there was no avenue for recycling
6 it as opposed to just the fact that it was designated
7 waste, but that's something we can report to you.
8 Having said that, I wanted to say our
9 presentation was done. This was a discussion item, so
10 there's no resolution before you. As has been alluded to
11 already a couple of times, we are working with the City
12 of Lakewood to try to come up with a solution to bring
13 back to the Board for its consideration.
14 Unless there's some other direction you wanted
15 to give us, I think we're going to continue to do that
16 and see if we can find an avenue that's already provided
17 for in statute to resolve that issue.

18 CHAIRMAN EATON: I want to thank staff and the
19 other speakers who spoke today. It really, really helped
20 the framework. And I think Senator Roberti asked for it.
21 It hopefully met his expectations.

22 BOARD MEMBER ROBERTI: It was, and I agree with
23 everything you said. It was very, very helpful.

24 CHAIRMAN EATON: Hopefully issues arise, review
25 of issues that may have been looked at in a historical

1 continuum that adjustments are made as we move down the
2 road. So thank you, Mr. Block.

3 The city manager who was not here yesterday
4 wanted to basically say thank you for coming down. We
5 have Mr. Soloman.

6 Mr. Soloman, welcome back.

7 MR. SOLOMAN: I think I was in your home town
8 yesterday. We had to go to Sacramento, and I'm sorry
9 that we didn't get to -- nobody was here from the council
10 or myself to welcome you folks.

11 My name is Steve Soloman. I'm the City Manager
12 here and it's a pleasure to have you folks here. I'm not
13 sure if this room was big enough. If you do come back,
14 we have some space at the convention center that's
15 actually larger than this, if you do want to come back.
16 It's a pleasure to have you here and we hope
17 your meeting was productive and that you enjoyed being in
18 the city. I do have some city pins for you that I would
19 appreciate if you would give to the Members of the Board,
20 and I want to tell you we appreciate what you folks are
21 doing.

22 We have, we believe, a pretty good program in
23 our city. I can tell that you personally I lived at a
24 time in Contra Costa County before any of the state
25 legislation was in existence, and I was on a non-profit

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1 board that started a recycling program at a time that you
2 were kind of considered a communist if you believed in
3 recycling.

4 (Laughter)

5 MR. SOLOMAN: That shows you how old I am. That
6 was back, I think, in the '70s when you couldn't get a
7 public agency to spend a nickel because they thought it
8 was going to take money away from the landfills.
9 At any rate, you folks are doing a wonderful
10 job. We've come a long way, as I think you folks know,
11 and you're wrestling with issues which nobody would have
12 dreamed of 20 years ago.
13 So we appreciate it. Thank you.

14 CHAIRMAN EATON: Thank you, Mr. Soloman. You've
15 been a wonderful, wonderful host city.

16 BOARD MEMBER JONES: We do appreciate it.

17 CHAIRMAN EATON: All right. We'll be back here
18 at 1:15 promptly.

19 (Lunch recess taken)

20 CHAIRMAN EATON: Welcome back, everyone.

21 Afternoon session. Any ex parte communications to
22 report, Mr. Paparian?

23 BOARD MEMBER PAPARIAN: No.

24 BOARD MEMBER JONES: Yvonne Hunter and I talked
25 about ash. I made a mistake on something in the

1 legislation, but I don't think it affected the
2 discussion. And then a little discussion with Mr. Stover
3 from Lakewood.

4 CHAIRMAN EATON: Ms. Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: None.

6 CHAIRMAN EATON: Senator Roberti.

7 BOARD MEMBER ROBERTI: No ex partes.

8 CHAIRMAN EATON: Mr. Medina.

9 BOARD MEMBER MEDINA: None.

10 CHAIRMAN EATON: I had none.

11 Before you begin, Mr. Schiavo, on Item Number
12 55, two items, one that was requested that this be made
13 part of the record from Riverside County Waste Management
14 Department, Michael Schier, Planning Manager. He asked
15 this be made part of the public record since he was not
16 able to attend. And Members, on Item 55 we'll be going
17 into a letter from Evan Edgar regarding SB 1066
18 implementation. That is being distributed to all
19 Members.

20 MR. SCHIAVO: Pat Schiavo, Deputy Director of
21 the Diversion, Planning and Local Assistance Division,
22 and I'm here to present Item Number 55, discussion of the
23 implementation process for SB 1066, including a report on
24 the proceedings of the workshops completed to date. And
25 actually, this will be co-presented with Cara Morgan and

1 myself.

2 SB 1066 was authored by Senator Sher and it
3 refers to an extension process for local jurisdictions to
4 have additional time in order to meet the AB 939
5 diversion requirement of 50 percent in the year 2000.
6 In order to solicit comments and get the word
7 out to jurisdictions regarding what the process could
8 look like and also hear from them regarding concerns,
9 staff conducted 11 workshops throughout the state which
10 were attended by 240 jurisdictions. Most of these
11 workshops were also attended by Board Members, and that
12 was very much appreciated by the local jurisdiction
13 representatives that were out in the field.
14 The nature of the workshops was that they were
15 very informal and interactive in nature, and there were
16 three main areas that we covered at the workshops. One
17 was we discussed what the law actually -- what is in the
18 law and so we tried to convey to our best knowledge the
19 intent of the law and what was prescribed and we had
20 extensive discussion regarding that. -
21 We also discussed the alternative draft
22 applications and you'll be hearing more about that in the
23 next item. Jurisdictions solicited many comments that we
24 attempted to input into that application process. And
25 finally, staff solicited comments regarding the overall

1 process regarding SB 1066, how it could be rolled out,
2 and you'll be seeing results of that as we go through
3 this process.

4 Before we get into discussion of exactly what
5 1066 is and some of the major issues, there was one theme
6 that seemed to come across at most of the workshops.
7 There was confusion regarding what is the goal year and
8 what can the Board -- what decisions are in front of the
9 Board regarding this whole process. And I'm going to
10 commonly refer to it as the goal year, the year 2000,
11 when jurisdictions have to meet their 50 percent
12 requirement.

13 There was confusion regarding what is the goal
14 year. There were some jurisdictions who believed it was
15 January 1st, 2001 -- or 2000, when actually it is through
16 the whole year of 2000. So it's December 31st 2000 when
17 the jurisdictions must perform. So we tried to clarify
18 that when we were in the field doing the workshops.

19 Regarding the options that are available to the
20 Board in the goal year, there's four major initial
21 options. The first is that the Board may find the
22 jurisdiction has met the 50 percent goal. If that's the
23 case, the jurisdiction is responsible for reporting
24 annually regarding their performance throughout, and
25 there is no termination date regarding the annual report

1 process.

2 Second, the Board may determine that a
3 jurisdiction has made a good faith effort. If that's the
4 case, the jurisdiction again is responsible for reporting
5 annually thereafter; again, with no termination date on
6 the annual reports.

7 The third option, which we'll discuss in more
8 detail today, is a time extension or an alternative
9 diversion requirement. If a jurisdiction is approved for
10 a time extension or an alternative diversion requirement,
11 after they come off of -- I'll use extension for example,
12 the Board then must determine whether or not the
13 jurisdiction has met the goal or not met the goal; and if
14 they have not met the goal, then the jurisdiction can be
15 placed on compliance order. And depending on how well
16 the jurisdiction performs in the compliance order
17 agreement, then the Board determines whether or not they
18 met the goal or may be subject to a fine.

19 Finally, in the goal year the Board could
20 directly place a jurisdiction on a compliance order very
21 much similar to the 95-96 biennial review process and
22 again, determination is made whether or not the
23 jurisdiction has met the terms of the compliance. If
24 they have not, they can either request an extension or
25 the Board again could determine whether or not a fine is

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1 applicable in this particular case.

2 Cara's going to walk you through some of the
3 details of the process.

4 MS. MORGAN: Cara Morgan, Office of Local
5 Assistance.

6 As Pat mentioned in the overview, SB 1066 gives
7 jurisdictions an opportunity to submit a request for a
8 time extension or an alternative diversion requirement.

9 We're going to go into details about the difference
10 between the two.

11 The time extension is for cities, counties or
12 regional agencies. Alternative diversion requirement is
13 only for a city or a county. What I would like to do is
14 take you through the differences between time extension
15 and alternative diversion requirements, and in your
16 agenda item, on page 3 of the item is a chart which
17 compares time extensions and alternative diversion
18 requirements. So I'll be going through that chart if you
19 would like to refer to it.

20 As I mentioned, time extensions can be requested
21 by city, county or regional agency, whereas an
22 alternative diversion requirement is for a city or county
23 only. Also, each of the extension requests must have a
24 SRRE, HHWE and Non-Disposal Facility Element submitted to
25 the Board. In the case of an alternative diversion

1 requirement, those documents must have been submitted
2 prior to 7-1-1998.

3 Another comparison between the two, for time
4 extension a jurisdiction must submit a plan of
5 correction. A plan of correction demonstrates how the
6 jurisdiction is going to meet the 50 percent diversion
7 requirement before the time extension expires. It also
8 includes the source reduction, recycling and composting
9 steps the jurisdiction will implement. That includes any
10 existing programs or new programs they will implement.
11 They also have to provide the date prior to the end of
12 the time extension when the 50 percent diversion
13 requirement will be met, and they also have to provide
14 the funding source for those programs.

15 For an alternative diversion requirement, they
16 must explain why a time extension was not previously
17 requested. For a jurisdiction who receives an
18 alternative diversion requirement, they must meet the 50
19 percent goal at the end of the alternative diversion
20 requirement.

21 In regards to Board findings, both require a
22 demonstration of good faith effort to implement their
23 source reduction, recycling and composting programs in
24 their SRRE. And as mentioned, for a time extension they
25 must demonstrate how they implemented the plan of

1 correction that was submitted to the Board.

2 In regards to an alternative diversion

3 requirement, in addition to good faith effort they must

4 demonstrate progress towards meeting the alternative

5 diversion percentage. They must also demonstrate how

6 they were unable to meet the 50 percent diversion

7 requirement despite implementing their source reduction,

8 recycling and composting diversion programs. They must

9 also explain why this alternative diversion requirement

10 is reasonable and feasible, how they can achieve it.

11 What the Board would consider in regards to time

12 extensions and alternative diversion requirements is

13 basically the same. Any specific jurisdiction

14 circumstances such as changes in the wastestream, maybe

15 facilities have not built, they're planned for the near

16 future, for example.

17 In regards to new requests, specifically for

18 time extension requests, the Board would consider the

19 extent to which the jurisdiction implemented the plan of

20 correction. And in regards to an alternative diversion

21 requirement, the jurisdiction would have to provide

22 information that the same circumstances as mentioned

23 previously still support this alternative diversion

24 requirement or they must demonstrate that now there are

25 new circumstances that have come up.

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1 That's a comparison quickly of the two.

2 CHAIRMAN EATON: Those were prescriptive

3 elements, were they not, within the law?

4 MS. MORGAN: Yes.

5 CHAIRMAN EATON: Those are not elements that the

6 staff drafted up or anything?

7 MS. MORGAN: Yes, that's correct. Thanks to

8 Mr. Elliott Block for developing that chart.

9 In providing you an SB 1066 overview, at the

10 workshops Board staff presented the requirements that

11 were outlined in statute. Staff also presented an

12 alternative draft application and optional formats to

13 attendees, and we got a lot of feedback in regards to

14 that. Staff also solicited input from the attendees

15 regarding these optional formats, and we've incorporated

16 these comments in the final draft version which is in the

17 following agenda item.

18 Participants at the workshops, as Board Members

19 who attended the workshops know, they shared their

20 thoughts regarding the application process and the

21 criteria that they felt the Board should consider when

22 reviewing the applications.

23 Let's go ahead and give you an overview of the

24 application process. As CHAIRMAN Eaton mentioned, SB

25 1066 identifies specific criteria a jurisdiction must

1 satisfy when requesting either a time extension or an
2 alternative diversion requirement.

3 Based upon the specific criteria in the
4 legislation and suggestions from the workshop
5 participants, Board staff have developed a guide for
6 submitting 1066 applications to the Board. The guide is
7 intended to provide direction on the information and
8 documentation that is needed to meet the requirements
9 identified in PRC sections 41820 and 41785. The guide
10 was also developed to save jurisdictions time and reduce
11 their costs when submitting a time extension or
12 alternative diversion requirement.

13 I would like to mention here that it's the
14 intent of the Office of Local Assistance to work very
15 closely with the jurisdictions in helping them conduct
16 needs assessments, identify what their program gaps are,
17 and help them through the process of completing the
18 application.

19 Statute also requires the Board to consider each
20 request for time extension or alternative diversion
21 requirement. The Board has directed staff to prepare
22 procedures for requests rather than proceed with
23 regulations whenever possible. To use procedures, the
24 Board must consider each jurisdiction on a case-by-case
25 basis rather than developing prescriptive standards more

1 detailed than the statute.

2 It should also be mentioned that Board staff

3 will continue to use electronic media to facilitate this

4 process. We intend to have the application up on the

5 web. For those that don't have access to the web,

6 provided on disc so that it will be a less cumbersome

7 process than jurisdictions having to recreate their own

8 forms.

9 Staff suggests that time extensions and

10 alternative diversion requests follow much the same

11 process as the Board-approved review process currently

12 used for rural jurisdiction petitions to request a

13 permanent reduction in planning and diversion

14 requirements. Based upon this review process, Board

15 staff will review each request to determine its adequacy

16 in meeting the statutory requirements. Upon the

17 determination that adequate information has been provided

18 to meet the requirements, the request will be presented

19 to the Board for its consideration of the time extension

20 and alternative -- or alternative diversion requirement.

21 And as I mentioned, staff will be working up front with

22 jurisdictions to ensure that they meet the statutory

23 requirements very early in the process.

24 In regards to Board findings, to grant an

25 alternative diversion requirement under PRC Section

1 41785, the Board is required to make the following
2 findings at a public hearing: First, that the city or
3 county has made a good faith effort to effectively
4 implement the source reduction and recycling measures in
5 its SRRE, that they have demonstrated progress towards
6 meeting the diversion requirements, and that they have
7 been unable to meet the 50 percent diversion requirement
8 despite implementing those measures; also, that the
9 alternative source reduction, recycling and composting
10 requirement represents the greatest diversion amount that
11 the city or county may reasonably and feasibly achieve.

12 To grant a time extension under PRC Section
13 41820, the Board is required to make the following
14 findings at a public hearing: That the city, county or
15 regional agency is making a good faith effort to
16 implement their source reduction, recycling and
17 composting programs in its SRRE; and that the city,
18 county or regional agency submits a plan of correction;
19 the plan of correction will detail how it will
20 demonstrate -- how it demonstrates that it will meet the
21 50 percent diversion requirements before the time
22 extension expires; the plan of correction would include
23 the source reduction, recycling and composting steps it
24 will implement before the time extension expires, when
25 the 50 percent diversion requirement will be met;

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1 identify any existing programs it will modify or new
2 programs that will be implemented to meet the 50 percent
3 diversion requirement, and they must also identify the
4 means by which the programs will be funded.
5 In considering the request, the Board may make
6 specific recommendations for the implementation of
7 alternative programs. If the Board disapproves the
8 request, it must also specify the reasons for
9 disapproval, and this is according to the statute. If
10 the Board grants a time extension or alternative
11 diversion requirement, the jurisdiction may also request
12 assistance from our staff in identifying model policies
13 and programs. So again, we would be working with them up
14 front on preparing the application, as well as assisting
15 them with implementing programs to help them meet that
16 time extension on the alternative diversion requirement.
17 There are a number of issues that Pat will be
18 going over with you to be discussed in today's item.
19 We'll be discussing the length of the extension,
20 reporting of performance, evaluation of programs, the
21 concept of extra credit, the approval process,
22 application timing, and good faith effort.
23 MR. SCHIAVO: Regarding the length of
24 extension, existing statute allows up to three years for
25 the first extension and then jurisdictions are allowed up

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1 to two years for subsequent extension. The Board may
2 determine the Board has discretion regarding how long the
3 extensions may be, and the combined total of the
4 extensions cannot exceed five years nor can they go past
5 January 1st, 2006. So no extension can be in effect
6 after that date.

7 Reporting performance refers to the process of
8 jurisdictions reporting back to the Board regarding the
9 progress in implementing their time extension or
10 alternative diversion requirement, and for a time
11 extension the reporting is discretionary and some of the
12 ideas that were tossed out at the workshops included the
13 length of extension could be determined by the past or
14 historical performance of a jurisdiction, how well
15 they've been pursuing the goal. There was an idea thrown
16 out that maybe all jurisdictions should have irregardless
17 of the time frame or historical performance have the same
18 length of time from which or the same recurrence for
19 reporting back to the Board.

20 There was discussion regarding the frequency of
21 reporting could be determined by the length of the
22 extension. For example, if it was a three-year
23 extension, maybe we don't need quite as frequent
24 reporting as if it was a one-year extension.
25 Finally, statute does require that an ADR,

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1 alternative diversion requirement, reporting is only
2 annual. There is no more frequent reporting than that.
3 Regarding evaluation of programs, the Board has
4 discretion what that process will look like. A couple of
5 options that were discussed a little bit it, wasn't in
6 much detail regarding this item, is that the evaluation
7 process could be very similar to our 1995-1996 biennial
8 review process, or another option is there could be more
9 scrutiny placed on this process or in this process,
10 meaning that staff would have to verify more information
11 and go out into the field and look at additional
12 programs.

13 One of the more creative ideas that was
14 discussed at length at several of the workshops was the
15 concept of extra credit. This is the implementation of
16 programs that don't have any direct impact on diversion.
17 Examples of this would include the procurement and green
18 building, market development activities, fixing disposal
19 reporting in a particular area that may impact other
20 jurisdictions; again, other activities that indirectly
21 support diversion and that we're trying to promote here
22 at the Board but don't directly bring forward diversion
23 such as a curbside program or green waste program would.
24 Regarding the approval process, statute requires
25 that jurisdiction requests must be heard or approved on a

1 case-by-case basis, and the Board process for the
2 approval could be again similar to the biennial review
3 process or again -- and require more scrutiny. So again,
4 that's just a product of where the Board wants to go with
5 that.

6 Regarding application timing, there was a lot of
7 discussion regarding this and this tied back to the
8 very -- to the opening remarks I made at the second
9 slide. People didn't have a very good understanding of
10 what the goal year was nor what the Board had available
11 as far as options. So essentially the Board has
12 discretion of when this program would be implemented and
13 we heard mixed reviews. Some jurisdictions wanted to
14 hear after the year 2000 and wanted to see what their
15 goal achievement efforts would look like, and some
16 jurisdictions wanted more certainty and have some kind of
17 approval process before the goal year. Some of the ideas
18 were tossed around, if the process started this year, and
19 we talked a little bit about August-September for
20 example, jurisdictions would only have access to 1999
21 data. What this would do is give the Board only the
22 option then of determining whether or not to approve an
23 ADR or time extension and it wouldn't impact the goal
24 efforts.
25 If that's the case, if we do move it to

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1 August-September time frame for jurisdictions to prepare
2 these plans, it's going to be reduced and then there's
3 some quality issues that may arise as a result of trying
4 to rush the process. And also there's a staff work load
5 issue regarding we're just trying to get through and
6 anticipate getting through the 97-98 biennial reviews
7 hopefully by this August, so there's that consideration
8 for us internally.

9 If the process -- when we're talking and we're
10 throwing out ideas, if we accelerated the biennial review
11 process in the year 2001, we would have the benefit of
12 having additional data available to us and that means the
13 year 2000 data. That means there would be more time to
14 adequately prepare for what a plan of correction would
15 look like so you could focus on proper wastestreams and
16 the proper generator types. We -- staff could have more
17 opportunity and time to prepare additional tools and get
18 out in the field and provide more consultation and
19 assistance in preparing the plans.

20 Also we had discussions tying the extensions or
21 ADRs to the 2000 biennial review process because part of
22 the process is what was your prior performance, and by
23 doing that we could eliminate some of the work load for
24 jurisdictions as well in not having to prepare a report
25 separately. Again what we heard is by not starting the

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1 process next year, jurisdictions have concerns regarding
2 the certainty of process. The concern is that if they go
3 through the biennial review process and the Board
4 determines that they did not meet the goal, good faith
5 effort or 50 percent diversion, they would then be
6 subject to either a fine or compliance orders right off
7 the bat. And we discussed and talked in terms of a
8 process where within the annual report a jurisdiction
9 could sign a form or affidavit or some certificate that
10 would be a contingency for that occurrence in which if
11 the Board decided a jurisdiction did not meet the goal,
12 the jurisdiction would then have the opportunity in 90
13 days or 120 days, for instance, whatever you determine,
14 from which to submit a time extension or an alternative
15 diversion requirement and, therefore, they would not
16 necessarily be at risk at all. So we talked a lot about
17 that.

18 Then a final item is --

19 CHAIRMAN EATON: When you say the application
20 process, we're not talking like the slide you said the
21 process would be in June 2001. You're talking about a
22 long window beginning in June of this year and having the
23 jurisdictions choose which option they would like,
24 whether they want to come in early or wait and use the
25 placeholder. So I don't want the Board to get the

1 impression it's being delayed until June 2001. It would
2 be a wide window by which jurisdictions would want, they
3 have that available. Come in early and take the chances
4 with your '99 data. Others would feel fairly close and
5 be late but not be penalized for not coming in.

6 MR. SCHIAVO: You're right. That's a good
7 correction.

8 The last item was good faith effort, and statute
9 requires the Board to find that jurisdiction has made a
10 good faith effort in attempting to effectively implement
11 the programs that they identified in their Source
12 Reduction and Recycling Element. Statute, however, does
13 not define what a good faith effort is relative to SB
14 1066. It just makes mention of it but there is no
15 description. There was a significant amount of
16 discussion at the workshops regarding the application of
17 good faith effort.

18 SB 1066 does not and did not, implementation of
19 it, delete the possibility of the Board finding
20 compliance with the year 2000 requirement based on good
21 faith effort. In fact, parts of Public Resources Code
22 41850 were changed as a result of SB 1066. However, the
23 portion dealing with good faith effort did not change at
24 all, so that leads us to believe that there was always
25 the intent to have two different types of good faith

1 effort. Those two types of good faith effort deal with
2 both either meeting the goal or being eligible for a SB
3 1066 time extension or alternative diversion requirement.
4 That concludes our presentation. Any questions
5 or discussion?

6 CHAIRMAN EATON: Public members, Ms. Yvonne
7 Hunter.

8 MS. HUNTER: Good afternoon. Yvonne Hunter
9 with the League of California Cities, and I've waited a
10 long time to be up here. So to see this process I think
11 come to fruition, I want to compliment the staff on the
12 quality of the background material. I think it's quite
13 thorough. I didn't attend all 11 workshops. I attended
14 one, but I talked to a number of folks that were there
15 and I think your staff did a great job synthesizing the
16 points that were raised, the key policy issues for you.
17 The application looks quite streamlined. I know that's
18 the next item, but my compliments to the staff.
19 And I should note that we worked closely with
20 the Waste Board staff, Senator Sher's office, myself, the
21 League was the sponsor of the bill, as well as the
22 committee consultant from Assembly Natural Resources. We
23 worked with Waste Board staff in the sense of making sure
24 what was in the statute time line-wise worked out and, in
25 fact, we had some extensive end-of-the-session tinkering

1 and it was the result of good staff work.

2 A couple of points that I would like to raise,

3 and I really don't have answers for them and I've talked

4 to your staff and I think some of you about them, but I

5 think they need to be considered in your deliberations.

6 Recently I got educated on the difference

7 between January 1, 2000 -- the statute says you shall

8 reach 50 percent by January 1, 2000. I learned the

9 difference between that and the goal year, and obviously

10 the goal year has been in effect for quite a long time.

11 As it relates to SB 1066, though, at least in my mind and

12 I think a number of folks, there's a certain amount of

13 confusion and to me it's a little bit like quantum

14 physics. I know it's out there and I can't quite get my

15 hands on it.

16 If the statute says you shall reach 50 percent

17 by January 1, 2000, yet the goal year is all of 2000, and

18 whenever you come up with the date when jurisdictions are

19 going to submit their application for, let's say, an

20 extension, and those are all valid issues that

21 Mr. Schiavo raised, when does the extension begin? Does

22 it begin the date you give it? Is it retroactive? The

23 statute says all of this sunsets. No extension is valid

24 after -- I think it's January 1, 2006. So -- I in no way

25 mean this is intentional, but I want to make sure that

1 jurisdictions aren't unintentionally shortchanged and
2 don't really end up with the opportunity to have five
3 years' worth of extensions.
4 I think we need to work this through. I've
5 chatted with I think a couple of Board Members and a
6 couple of the advisors and it might be useful to have a
7 number of folks chart it out. I know that's not the
8 Board's intent, but I think we need to be aware of that.
9 Also adding to the mix of this, the statute says
10 all of this sunsets on January 1, 2006. The goal year
11 ends December 31st, '06. I don't know if this was after
12 the five years, in the middle of the five years. To me
13 it's sort of like quantum physics and I think we need to
14 figure this one out.
15 As far as when the application process starts,
16 this bill was enacted in 1997. About a month after it
17 was enacted, I started getting telephone calls from
18 jurisdictions, inquiring when can they submit their
19 application. Now, I think everyone has settled down a
2.0 little bit and have benefited from the discussion of the
21 workshops. My recommendation would be to give folks as
22 much leeway and early opportunity to submit, an
23 application. I think the proposal that Pat talked about
24 whether you have your choice, do you want to do it early,
25 do you want to do it as part of your annual report, do

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1 you want to do it as -- we're putting the Board on notice
2 we think we're going to ask for an extension or wait
3 until you have all the numbers.
4 A third alternative could be to -- because we
5 know there are lots of jurisdictions that know there's no
6 way, let's just assume they all have accurate numbers,
7 that they're going to meet the 50 percent. They're very
8 unsettled, they're very concerned, and I would encourage
9 you to consider some sort of process where they just send
10 a notice, send you a letter. "We think based upon our
11 numbers now that we're not going to meet 50 percent. We
12 want to notify you that we anticipate submitting a
13 request for an extension." I think something like that
14 would go a long way to reassuring jurisdictions.
15 As far as the good faith effort definition, my
16 memory is that -- I don't think it was intentional to
17 have the different good faith efforts standard for 1066
18 as opposed to compliance orders. I need to go back and
19 consult with Senator Sher's staff, but I don't think so.
20 I think it was an oversight, and perhaps in the bill that
21 we're working on with Senator Sher we can cross-reference
22 that because it should be good faith effort based upon
23 your policy that you adopted in February of whenever it
24 was, '95.
25 So thank you for having us on the agenda. Thank

1 you for taking the time to listen to my comments and I'll
2 be happy to answer any questions.

3 CHAIRMAN EATON: Questions? Thank you.

4 BOARD MEMBER JONES: I have one question.

5 CHAIRMAN EATON: Mr. Jones.

6 BOARD MEMBER JONES: We're kind of talking about
7 55 and 56 really.

8 MS. HUNTER: Yes, we are. I thought you were
9 talking percentage.

10 BOARD MEMBER JONES: I'm going to get to that.
11 On the application that we're going to go over
12 here pretty quick, I want to get a sense from the cities
13 of -- the law basically says identify the programs, see
14 how -- what you're going to do to be able to move to the
15 next step, and there is a perception that in the
16 application package we're saying -- we're asking the
17 applicant to say what percentage of -- what percentage of
18 diversion do you think you're going to achieve.
19 One of the things that I was wondering about,
20 and it may not be able to be done but we need to think
21 about it, a lot of jurisdictions rush to an SRRE. They
22 have since had to really look at the wastestreams to see
23 where they get the biggest bang for the buck.
24 Does it make sense in an application -- in the
25 application to say in a line what part of the wastestream

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1 do you think you're going to identify with this program,
2 meaning -- let's say you never went after green waste but
3 you know that green waste is 35 percent of your
4 wastestream and it's a program you never did, and you
5 said I think this represents 35 percent of our
6 wastestream and we think if we're really successful,
7 we're going to be able to recover 40 or 70 percent of
8 that, meaning there's going to be a number of around 20
9 percent.

10 The reason I bring it up is I don't want cities
11 to think we're just looking at the number because we've
12 always balanced programs with numbers, but I also want to
13 see if there's value. And I throw this out as a question
14 to the affected parties. If we ask the question what
15 part of the wastestream do you think you can affect, it
16 makes them focus on really looking at their wastestream
17 rather than saying I want to put another truck on, so I
18 think I'm going to get another 2 percent of the
19 wastestream or I'm going to add junk mail.

20 It lets them think about that percentage of the
21 wastestream that they're going to attack in the program.
22 Do you think there's value in there, for no other reason,
23 to make them think about it and also not to just rely on
24 the numbers?

25 MS. HUNTER: I'm going to give a very

1 preliminary comment. I just looked here and tried to
2 identify either real life city people that do these
3 programs or consultants that work with cities, and they
4 might be able to give you an idea.
5 I would think that you're absolutely right.
6 When SRREs were developed, this was brand-new. Waste
7 characterizations was brand-new, and it's ten years,
8 virtually, ten years since then and we've all learned
9 quite a lot. I would suspect that jurisdictions probably
10 have a much better idea about the complexity of their
11 wastestream and where there are opportunities for
12 diversion and the programs they're going to select are
13 going to be based upon that. So my suspicion is, but I
14 don't want to say this definitively, you'll get that
15 anyway, what you're talking about, by virtue of their
is thought process when they figure out what programs they
17 think they're going to do.

18 BOARD MEMBER JONES: If we say estimated
19 percentage of diversion, we're okay because they're
20 identifying what they can do.

21 MS. HUNTER: I think --

22 BOARD MEMBER JONES: What I don't want to get is
23 have somebody tell us all you're thinking about is the
24 numbers. You know what I mean?

25 MS. HUNTER: I understand that. I think so but

1 I don't know.

2 BOARD MEMBER JONES: That's fair.

3 MS. HUNTER: I don't know.

4 BOARD MEMBER JONES: We'll find out later. I

5 want people thinking about --

6 MS. HUNTER: Steve, they're going to have to go

7 through part of that process because they're going to say

8 we need another 10 percent and in order to do that we

9 think we're going to do this program, this program, and

10 this program. Like their SRRE5, they've based the

11 programs upon some reasonable expectation of success and

12 accomplishment.

13 Thank you very much on behalf of all the cities

14 and I'll say the counties, since I have the CSAC banner

15 as well. Thank you very much.

16 CHAIRMAN EATON: Mr. Edgar, is it short? The

17 reason why, this is a discussion item and unfortunately

18 due to unavoidable circumstances one of our Board

19 Members, who was totally unexpected to be here today at

20 that time and made some previous commitments that cannot

21 be avoided. So therefore, what I would like to be able

22 to do, with the Board's concurrence, is to hold off,

23 finish the discussion on Item 55 since it's only a

24 discussion item and not deliberation, take item 56 for

25 purposes of opening the roll and Item 57 for purposes of

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1 opening the roll and then go back through.

2 With no objection to that, Mr. Block.

3 MR. BLOCK: No.

4 CHAIRMAN EATON: Okay. So we can just continue
5 that.

6 Item Number 56. For purposes of this, Madam

7 Secretary, could you open the roll for Mr. Paparian.

8 BOARD MEMBER JONES: Mr. CHAIRMAN, I'd like to
9 move adoption of Resolution 2000-266, consideration of
10 approval of SB 1066 application process.

11 CHAIRMAN EATON: I'll second.

12 Mr. Jones moves and Mr. Eaton seconds we adopt

13 Resolution 2000-266.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 CHAIRMAN EATON: No --

17 BOARD SECRETARY: Board Member Medina.

18 CHAIRMAN EATON: No, just Mr. Paparian.

19 BOARD SECRETARY: Board Member Paparian.

20 BOARD MEMBER PAPARIAN: Aye.

21 CHAIRMAN EATON: Okay. We'll put that off for a
22 time.

23 Item Number 57.

24 BOARD MEMBER JONES: Mr. CHAIRMAN.

25 CHAIRMAN EATON: Mr. Jones.

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1 BOARD MEMBER JONES: Mr. CHAIRMAN, I would like
2 to move adoption of Resolution 2000-269 revised,
3 consideration of approval of contractor to implement the
4 landfill facility compliance study.

5 CHAIRMAN EATON: Second.

6 BOARD MEMBER MOULTON-PATTERSON: Second.

7 CHAIRMAN EATON: I'm sorry.

8 Mr. Jones moves and Ms. Moulton-Patterson
9 seconds we adopt Resolution 2000-269 revised.

10 Madam Secretary, please call the roll.

11 BOARD SECRETARY: Board Member Paparian.

12 BOARD MEMBER PAPARIAN: Aye.

13 CHAIRMAN EATON: Okay. If we can return then to
14 Item Number 55. Good luck, Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Thank you, CHAIRMAN and
16 Board Members.

17 CHAIRMAN EATON: On your way out if you'll
18 kindly fill out the comment slip on how we did up here.
19 (Laughter)

20 CHAIRMAN EATON: It would be most helpful. I
21 know Mr. Medina has filled out his.
22 Mr. Edgar.

23 MR. EDGAR: Evan Edgar, Edgar and Associates, on
24 behalf of the California Refuse Removal Council. We
25 supported SB 1066 in 1997. Today we support Item Number

1 56.

2 We submitted a letter in the record and we
3 believe SB 1066 was clear in statute. We had good staff
4 work today, and the main question was about timing. When
5 it comes to timing, we really feel that it's a good time,
6 perfect timing for the industry. I believe it's a great
7 idea to have a letter of intent in order to have the
8 people who want to use year 2000 numbers to have a letter
9 of intent as it applies to SB 1066 later on next spring.
10 I know that it was adopted and passed in 1997 and the
11 last three years have been a tough time with regards to
12 when do we implement SB 1066.

13 I commend the CHAIRMAN for his leadership and
14 vision for the last couple of years because I know you
15 took heat from some people about when will this happen
16 at the time. With regards to the 1995 numbers, with 61
17 compliance orders and 64 good faith efforts has been
18 cumbersome for staff and a lot of people to try to do
19 time extensions and ADR5 at the same time. So by holding
20 off by having a validation of 1995 and achievement of the
21 1995 mandate, I think it's perfect timing now to unveil
22 SB 1066. So I think it played out for perfect timing for
23 the stakeholders that I represent. So I thank you for
24 that.

25 I represent the franchise haulers in the

1 communities and typically we have good numbers with good
2 programs and real tons and real people with real data,
3 and that's been proven during the Disposal Reporting
4 System that the franchise hauler has been able to supply
5 good numbers for the annual reports. So in 1999, we do
6 intend to supply good numbers and year 2000 we intend to
7 supply good numbers to our partners at local
8 jurisdictions so they have some real numbers to fill out
9 annual reports and then have a time extension, should
10 they want to apply for 1066 after year 2000.
11 I do have two comments that's embedded in the SB
12 1066 process and compliance orders. Number one is the
13 1995 Board enforcement program. It took a lot of time to
14 put that together. It's 28 pages, it's part one and part
15 two. It's kind of bulky, but it's been road-tested. As
16 I said, you've been through 61 good faith efforts and 64
17 compliance orders, and you guys actually unveiled the
18 program. I think that the program worked on enforcement,
19 but a lot of people are asking for what does it mean for
20 the year 2000, is there a certainty, and how can that be
21 revised based upon the road test to unveil a new 2000
22 Board enforcement program that maybe has an executive
23 summary, a little bit more successful, a proven
24 performance that this Board has done over the last year
25 and a half on compliance orders and good faith effort.

1 Good faith effort is defined as 28 pages but
2 maybe it could be reworked in order to kind of give it
3 the certainty that some people may need. So we would
4 recommend maybe take a look at the 1995 Board enforcement
5 program and see if it can be updated for the year 2000
6 for the year 2000 mandate.

7 The second thing has to do with the draft waste
8 diversion guide. I've been in front of this Board for
9 the last three months speaking about the draft diversion
10 guide that was put out by staff in November 1999. As
11 part of the compliance orders and SB 1066 implementation,
12 the jurisdictions have the opportunity to do a waste
13 generation study, which is a valid opportunity and we
14 would support that, but as part of the waste diversion
15 guide, it hasn't been approved by the Board yet. In
16 fact, there is a disclaimer in front of the guide that
17 says it was provided by staff.

18 on a case-by-case basis some jurisdictions have
19 already been approved on a new waste diversion guide
20 whereby there's been 20 to 30 pounds per person per day
21 and it's kind of high in some areas. And on a
22 case-by-case basis it's been working, but I believe that
23 that has needed a peer review. There were some workshops
24 in October which I attended and many people commented on
25 the peer review with regards to looking at the waste

1 generation study. And the guide, if that were to come
2 back in front of the Board with that peer review, I think
3 there would be a lot of comfort level from people who
4 believe that some of the computations may be a little
5 exaggerated.

6 I think if we're not careful, California would
7 over-generate and over-consume our way to achieve
8 resource conservation goals by generating over 70 million
9 tons a year of waste. In the year 2000, using this draft
10 waste diversion guide, if we have a comprehensive reality
11 check on that guide, I think it would be very useful for
12 a lot of people who are doing a lot of the waste
13 generation studies.

14 I thank you for the opportunity today. SB 1066
15 is going to work for a lot of people. Thank you.

16 CHAIRMAN EATON: Thank you, Mr. Edgar. Last
17 slip is Mr. Mark White, City of Half Moon Bay.

18 MR. WHITE: Thank you, Members of the Board. I
19 wanted to speak to Mr. Jones's question with regard to
20 identifying specific wastestreams and bring two contrary
21 examples. The City of Half Moon Bay has a lot of sewage
22 sludge that I need to find a home for and we have some
23 construction debris, and both of those fall very well
24 within your recommendation that we have an identified
25 program for identified wastestreams.

1 The City of Concord doesn't have nice neat
2 categories like that. They're a little closer to the
3 mandate than Half Moon Bay is, but still if they had to
4 come up with a nice neat category it would be tough for
5 them and for Half Moon Bay would be a piece of cake.
6 I think we've got to have some fairly broad
7 ranges without going out and redoing a waste comp study,
8 a very expensive process, of being able to respond to
9 that question.

10 CHAIRMAN EATON: Mr. White, just out of
11 curiosity. Half Moon Bay has a lot of C&D. Is that
12 because of the growth that's there?

13 MR. WHITE: We're getting hotels coming in, lots
14 of housing construction and this year having a major
15 rebuild of one of our nurseries, which is one of the
16 biggest nurseries in the country. It turns out while
17 they're doing their rebuild, they're also recycling a lot
18 of that material.

19 CHAIRMAN EATON: Is there any talk amongst the
20 local elected body there about having a C&D ordinance,
21 that they work through the permit process to assist the
22 jurisdiction? We've seen -- at least that's where some
23 of the evidence has been in other jurisdictions. If you
24 need some of those, I think our staff has developed --

25 MR. WHITE: I stole one from your staff last

1 year and we've done it already.

2 CHAIRMAN EATON: All right.

3 BOARD MEMBER JONES: Mr. CHAIRMAN.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: I know we've made the
6 motion, but I think what Evan brings up about peer review
7 of that document, I've gone through that document. I
8 might go a little crazy.

9 CHAIRMAN EATON: I thought that was your
10 disclaimer.

11 (Laughter)

12 BOARD MEMBER JONES: I remember a meeting when I
13 said we didn't approve that. But maybe we ought to think
14 about some kind of mechanism to get that into some
15 people's hands to really go through so that when it does
16 go out, we've got some peer review. I think that's an
17 important step. It doesn't need to be part of the motion
18 but I think a nod of the head or something to make sure
19 that we can instruct staff, it would be worth waiting the
20 extra couple of months to have that thing reviewed so
21 it's accurate. 20 and 30 pounds per day to get -- in a
22 residential area always gets my blood pressure up.

23 CHAIRMAN EATON: All right. I think that's a
24 good idea, and if I hear Ms. Moulton-Patterson, she
25 wanted to return the favor with regard to America

1 Recycles Day. She thought maybe you would be the
2 volunteer to start that peer review process since you led
3 the original disclaimer. That isn't Board direction.
4 She telepathically communicated that with me that might
5 be something for you. I think it's a great idea for some
6 of the stakeholders and others as we go through. That's
7 Item Number 55.

8 Item Number 56. Mr. Schiavo.

9 BOARD MEMBER JONES: It can be quick, Pat.

10 There's already a motion.

11 (Laughter)

12 MR. SCHIAVO: I'm already behind. Staff
13 recommends approval of -- no. We have this whole
14 presentation for you. Consideration of approval --

15 CHAIRMAN EATON: We're sending you on the road
16 again?

17 MR. SCHIAVO: 11 workshops every Tuesday
18 Wednesday. Be there.

19 This item has to do with the application itself
20 and the process for completing the application, and the
21 what we did to build up this application is originally
22 what we did is we looked at the law and built an
23 application that was pretty much literally interpreting
24 the law. It ended up being -- the original version was
25 probably 50 or 60 pages. We took it on the road and

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1 started soliciting comments and we knocked it down to 24,
2 25 pages. And eventually it's gotten down to --- it's
3 about a four- or five-page document overall based on a
4 lot of excellent comments and how we could take out
5 redundancies regarding the law and what it directs us to
6 do.

7 So this item puts together procedures for
8 completing the application and we're going to discuss the
9 application itself. And one thing that as mentioned in
10 the prior item is we're going to really focus a lot again
11 on electronic media, whether that be disc or the web
12 site.

13 So the content of the presentation is going to
14 include the major components as directed by law and one,
15 we have to have the cover sheet which contains the
16 information from who is submitting the application, the
17 reasons for the request, explanation again of good faith
18 effort, and the guts of the plan is the plan of
19 correction, how are jurisdictions going to get to their
20 achievement of the goal.

21 So Cara is going to go ahead and walk you
22 through quickly what it looks like.

23 MS. MORGAN: Cara Morgan, Office of Local
24 Assistance.

25 If you would like to, you might want to turn to

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1 page 56-19 in your agenda. What we did is we put
2 together a sample completed application, a guide. If you
3 like, you can follow along as I go through each section.
4 As I mentioned in the previous presentation,
5 Board staff will be assisting jurisdictions in completing
6 the application. We feel this is really going to help
7 jurisdictions. We've tried to simplify the process so
8 it's not going to be costly or time consuming for them to
9 prepare. They will complete the sections of the
10 application depending upon what they're applying for.
11 The first section of the application is the
12 jurisdiction information and certification. Pretty
13 straightforward. Includes the contact information,
14 pretty basic stuff.
15 The second section is the cover sheet. This
16 covers eligibility. Eligibility refers to jurisdictions
17 must have submitted their Source Reduction and Household
18 Hazardous Waste and their Non-Disposal Facility Element
19 plans into the Board, and they have to basically tell us
20 which they're going for, time extension or alternative
21 diversion request, and how much time they're looking for.
22 Fairly straightforward.
23 Section three starts getting into really the
24 meat of the application. Section three is the
25 justification for the -- justification for the request.

1 In the example you're looking at, this is a time
2 extension. They have to tell us why the jurisdiction
3 needs more time. They need to be able to explain why
4 they need the time requested and then they need to
5 provide any information that supports the request. Also,
6 they need to address good faith effort. They are
7 required to justify why the SRRE programs did not meet
8 the goals, and in this case, the example that you have,
9 it was a compost facility that was not constructed in
10 time, so they were depending upon that facility to meet
11 their diversion goal. So they need more time to get that
12 facility built.

13 Jurisdictions requesting time extensions are
14 required to complete the plan of correction. This is in
15 the next section of the application. We were asking them
16 to provide their residential and non-residential
17 percentages, and this is a really important piece because
18 we want to be able to help jurisdictions target
19 appropriate wastestreams. We found in working with some
20 of the targeted jurisdictions that they may have focused
21 on their residential wastestream. Santa Fe Springs is a
22 good example of this. When less than one percent of
23 their total population is the residential sector, so
24 putting in a curbside program may not be obviously the
25 right way to go. We want to focus on their commercial

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1 industrial. We're feeling this is important information
2 to help us target their efforts.
3 They also need to provide which programs they're
4 going to target. They need to tell us if they are new or
5 expanded programs. In many cases, jurisdictions have
6 implemented good programs but they need to expand them.
7 Many communities have implemented commercial diversion
8 programs, for example. They need to do more and expand
9 those efforts, get out more to their large generators.
10 They also need to identify the program funding
11 and implementation dates. They also need to show how
12 each program contributes to the diversion requirement,
13 and this gets back to Board Member Jones's comment about
14 including some information about what percentage of the
15 wastestream they will be targeting. We have not added
16 that into the application, but we can. You know we'll be
17 working with them. That's part of the process anyway
18 with our staff working with jurisdictions so we'll get at
19 it.
20 They need to show their existing program status.
21 Basically this is their Board-approved diversion rate and
22 programs. So it's information that the jurisdiction
23 already has. We're not asking them to go back out and
24 quantify all the waste in the wastestream doing waste
25 characterization studies. Very straightforward.

1 And finally at the bottom of that page that
2 deals with plan correction. They can provide the
3 supporting programs that can't be quantified but impact
4 the success of the diversion programs. This gets back to
5 our earlier discussion on extra credit, those programs
6 that are really critical to the success of these
7 diversion programs. Procurement, for example, in all of
8 the jurisdictions that the Local Assistance staff have
9 been working with, we've focused in on procurement, are
10 you setting the example as the city or county government
11 to be purchasing recycled content products, using green
12 building materials to help stimulate those markets.
13 on page 56-28 in your agenda, there's a sample
14 of a goal achievement. This is part of the application
15 that would be completed for an alternative diversion
16 requirement request. That's 56-28.
17 The primary difference between a plan of
18 correction and a goal achievement is that the
19 jurisdiction is describing the greatest amount of
20 diversion the jurisdiction can achieve. During that time
21 period, they aren't required to reach 50 percent, it's
22 what they're telling us they can achieve during that
23 period of time. They still have to identify the programs
24 that they're going to implement, whether it's new or
25 modified. They still have to identify the funding for

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1 the programs, indicate the dates when new or expanded
2 programs will be implemented, and they still need to
3 identify what their current Board-approved diversion rate
4 is and identify supporting programs. So it's very
5 similar.

6 In section five of the application, again what
7 we tried to do with the application is give jurisdictions
8 the Board's profile database, their program annual report
9 information system database or PARIS, information that's
10 already there for them. They don't have to go out and
11 research and do a new study. So we're asking them if
12 their PARIS information, their program information is not
13 current, then we will provide them from the database a
14 printout that they can just update, very similar to the
15 streamlined process we now have for the annual report the
16 jurisdictions submit. So very straightforward.

17 Staff took the feedback from workshop
18 participants and we really focused on simplifying the
19 process. I think we've learned a lot in working through
20 the annual report system and streamlining that. We spend
21 a lot of time on trying to streamline this process, make
22 it straightforward for jurisdictions so they know what
23 the Board is expecting up front.

24 The application still meets statutory
25 requirements, but at the same time it's not too

1 complicated or cumbersome for a jurisdiction to complete.
2 Also, instead of recreating data, recreating reports,
3 creating their own form, jurisdictions can use the
4 existing information, the application with their annual
5 report information as one package. So in this way we
6 really see that the process is much more simple.
7 Also I think it's going to help our staff in
8 analyzing the applications. Instead of getting many,
9 many different types of applications and forms of data
10 and whatnot, up front everyone knows what's required so
11 it will be much easier for our staff as well.
12 In conclusion, staff recommends the Board
13 approve the proposed application for the SB 1066
14 requests. That concludes my presentation.

15 CHAIRMAN EATON: Questions? Okay. We have a
16 motion before us. We can redo the motion, but
17 Mr. Paparian would not be available.

18 BOARD MEMBER ROBERTI: I see. You're opening
19 the motion again.

20 CHAIRMAN EATON: Correct.

21 BOARD MEMBER ROBERTI: Fine. I see.

22 CHAIRMAN EATON: That way Mr. Paparian would be
23 on the roll. If there are no questions, Madam Secretary,
24 would you please open the roll on the motion, Number
25 2000-266.

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1 BOARD SECRETARY: Board Members Jones.

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY: Medina.

4 BOARD MEMBER MEDINA: Aye.

5 BOARD SECRETARY: Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: Aye.

7 BOARD SECRETARY: Roberti.

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY: CHAIRMAN Eaton.

10 CHAIRMAN EATON: Aye. Okay.

11 Item Number 57.

12 BOARD SECRETARY: Board Members Jones.

13 MS. MORGAN: Do you want to see how short I can
14 make this?

15 BOARD MEMBER JONES: One of the most important
16 policy programs we're going to do.

17 CHAIRMAN EATON: Self-examination with those.

18 MS. PACKARD: Good afternoon, CHAIRMAN Eaton and
19 Board Members. Rubia Packard with the Policy and
20 Analysis Office. I'm here to present Item Number 57
21 which is consideration of approval of contractor to
22 implement the landfill facility compliance study.
23 This item requests that the Board consider and
24 approve the contractor to implement the landfill facility
25 compliance study. The purpose of the study is two-fold:

1 First, to provide a comprehensive inventory of municipal
2 solid waste landfill performance in California that looks
3 across all environmental media including water, air and
4 gas; second, to conduct an assessment of current
5 regulatory requirements for MSW landfills, to determine
6 if those requirements are really effective in protecting
7 the environment for both the short-term and the
8 long-term, and to recommend possible improvements or
9 enhancements to the regulation of California's MSW
10 landfills.

11 The Board approved the scope of work for the
12 contract at its February 23rd-24th, 2000 meeting. Staff
13 solicited bid proposals via request for proposals. The
14 successful bidder is now being brought back to the Board
15 for approval. The funding available for the contract is
16 \$600,000 -- \$300,000 appropriated in the Board's 99-2000
17 budget and anticipating an additional \$300,000 to be
18 appropriated in the Board's 2000-2001 budget pending
19 approval of the Governor's budget.

20 Three bids were received during the RFP process.
21 Those bids were evaluated and scored consisting of a team
22 from the Air Board, the Water Board and our Board. The
23 proposals were evaluated based on overall approach and
24 organization, methodology, qualifications and resources,
25 and past work and references. Two of the three bidders

1 did not receive the minimum qualifying score of 85. The
2 one qualified. There was one qualified bidder and that
3 bid was opened. The bid from the qualifying bidder,
4 which was Geosyntech Consultants, was in the amount of
5 \$588,063. As of the deadline for protests with General
6 Services, which was the end of the week last week, we did
7 not receive any protests on this award or this selection
8 process.

9 Therefore, staff recommends that the Board
10 approve Geosyntech Consultants as the contractor for the
11 landfill facility compliance study and adopt Resolution
12 2000-269.

13 If you have any questions, I would be happy to
14 answer them.

15 CHAIRMAN EATON: Madam Secretary, would you
16 please reopen the roll on Resolution 2000-269 as revised.

17 BOARD SECRETARY: Board Members Jones.

18 BOARD MEMBER JONES: Yes.

19 BOARD SECRETARY: Medina.

20 BOARD MEMBER MEDINA: Yes.

21 BOARD SECRETARY: Moulton-Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: Yes.

23 BOARD SECRETARY: Roberti.

24 BOARD MEMBER ROBERTI: Aye.

25 BOARD SECRETARY: CHAIRMAN Eaton.

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1 CHAIRMAN EATON: Aye.

2 MS. PACKARD: Thank you.

3 CHAIRMAN EATON: We have one public speaker,
4 Mr. Richard Anthony. Is there anyone else besides the
5 speaker during the public comment period?

6 MR. ANTHONY: My name is Richard Anthony. My
7 company is Richard Anthony and Associates. It's been a
8 while since I've actually sat through an official Board
9 meeting, but I've been involved in the business for the
10 last 30 years. In fact, my career closely tracks the
11 implementation and initiation of SB S and the Waste
12 Management Board. In fact, it's fun to be able to watch
13 this Board and I want to praise the progress we've made
14 in California.
15 When I was President of the California Resource
16 Recovery Association in the '70s, we were asked by an
17 oversight committee of the Senate what the recycling rate
18 was in California and it was around 6 percent. We've
19 gone a long way.
20 I just want to comment that during the '70s and
21 '80s when energy was escalating at 10 percent a year,
22 many of the public works departments were looking at big
23 garbage burners to burn all the waste to make energy, and
24 one of the reasons why the hierarchy was pushed so hard
25 was because we wanted to protect the paper and the metal

1 for the salvage industry and recycling industry, and if
2 you design the waste-to-energy plant for the entire
3 wastestream, there was no recycling to be left, which is
4 part of why we got to this hierarchy thing.
5 I wanted to add also on the peer review for the
6 base year, I really think the new base year is what
7 leveling the playing field is all about. It's wiping the
8 slate clean. It's taking care of a lot of issues that
9 were created in the early '90s that were false issues and
10 changed the way the numbers came. With a new base year
11 you actually go out and look for diversion and source
12 reduction. In the two base years that I've done
13 professionally, I've seen what I call an awakening on the
14 public works and the solid waste staff in terms of
15 recognizing what's a commodity and what's waste.
16 So I would just suggest on the peer review that
17 you also look at some of the base years you've already
18 approved, Palo Alto, San Luis Obispo. These are really
19 good examples and they might be a little better than what
20 Eugene promulgated.
21 But the reason I really came, I wanted to talk a
22 little bit about a tire bill that you're supporting, and
23 an answer I think for something that's been chronic in
24 California in terms of used tires. What I see working
25 with county governments and roads departments is that the

1 roads engineers have pretty much -- have basically
2 concluded that rubberized asphalt works. It really comes
3 down to it costs more money to do, but most roads budgets
4 are based on gas tax and they're limited, so they have a
5 certain amount of money that they're going to do for road
6 overlays. If when you raise the \$2 fee, instead of
7 putting that money into tire burners or whatever, that
8 that money was used like a bottle bill to be a bank
9 account to give to each roads department around the state
10 as a supplement for their aggregate, you would then close
11 the loop in terms of recycling tires, and with that
12 aggregate and with that surcharge, it would be rebated
13 back to the public works department to allocate it for
14 the road use, you'll find we would close that circle and
15 solve that problem.

16 I think when you look at that bill, look in
17 terms of what we did on the bottle bills and container
18 legislation in California, which has been so effective in
19 building an infrastructure to get the materials back in
20 the stream.

21 I appreciate what you're doing. I like this
22 Board and I look forward for another 30 years of getting
23 to zero waste.

24 Thank you.

25 CHAIRMAN EATON: Thank you, Mr. Anthony.

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1 Any further comments? We'll stand adjourned

2 until June. Thank you very much.

3 Members, thank you for your patience today.

4 We'll see you then and have a safe trip home.

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1 STATE OF CALIFORNIA

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4 I, Terri Emery, CSR No. 11598, a Certified
5 Shorthand Reporter in and for the State of California, do
6 hereby certify:

7 That the foregoing proceedings were taken down
8 by me in shorthand at the time and place named therein
9 and were thereafter transcribed under my supervision;
10 that this transcript contains a full, true and correct
11. record of the proceedings which took place at the time
12 and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest in
16 the event of this action.

17

18

19 EXECUTED this 20th day of JUNE, 2000.

20



TERRI EMERY

21

25